

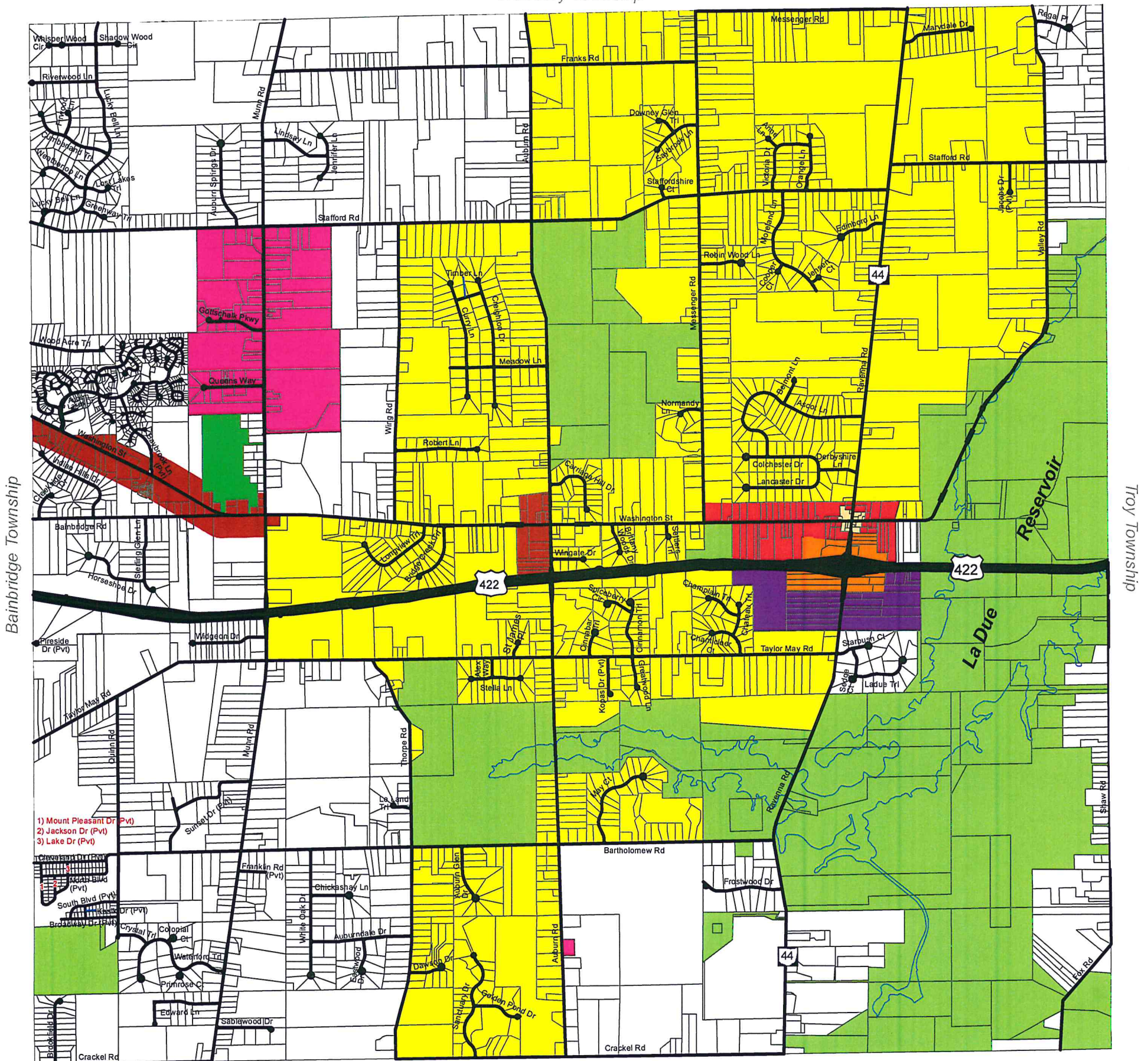
AUBURN TOWNSHIP ZONING RESOLUTION

Revised - March 6, 2013
Revised – November 19, 2013
Revised – August 20, 2014
Revised – June 14, 2017
Revised – July 19, 2017
Revised – August 15, 2018
Revised – December 29, 2020

Auburn Township
Geauga County, Ohio



Newbury Township



Mantua Township
PORTAGE COUNTY

Zoning Districts

- R-1: Residential 3 acres
- R-2: Residential 2 acres
- B-1: General Business
- B-1A: Auburn Corners Retail
- B-2: Village Retail
- B-3: Retail/Motorist Services
- B-4: Office/Light Industrial
- I-1: General Industrial
- AP-1: Active Park District
- OS-1: Passive Open Space

Auburn Township Zoning Map



Prepared By: Geauga County Planning Commission, July 2006.
Revised: March 1997, June 1999, July 2000, November 2000,
July 2002, December 2004, February 2007, September 2007.
Lot Lines and Roads updated: September 2015, May 2016.

Note: The Geauga County Planning Commission does not warrant the accuracy of this map. It is not based upon a land survey.

Amendment Number 2007-02 is Hereby Adopted by the Auburn Township Board of Trustees this 3rd Day of December, 2007.

Patrick J. Cavanagh, Trustee
Michael S. Troyan, Trustee
John A. Eberly, Trustee

Effective the 2nd Day of January, 2008.

Susan Plavcan, Fiscal Officer

Lot Lines and Roads Updated this

20TH Day of June, 2016.

Patrick J. Cavanagh
Patrick J. Cavanagh, Trustee

Michael S. Troyan
Michael S. Troyan, Trustee

John A. Eberly
John A. Eberly, Trustee

Frederick L. May
Frederick L. May, Fiscal Officer

Exhibit 1

Description for Auburn Township Zoning Amendment B-1 to B-3 NE Corner, S.R. 44 and U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is southerly along said centerline a distance of 322.25 feet from the intersection of said centerline with the centerline of Washington Street, said point of beginning also being the northwest corner of land conveyed to S. Eames by deed recorded in Vol. 519, Page 104 of the Geauga County Records of Deeds;

Thence easterly long the north line of the said Eames land a distance of 735.30 feet to a point in the west line of land conveyed to F. T. Associates by deed recorded in Vol. 833, Page 560 of the Geauga County Records of Deeds;

Thence southerly along the west line of land conveyed to said F. T. Associates a distance of 545.00 feet to the southwest corner thereof;

Thence easterly along the south line of land conveyed to said F. T. Associates and along the south line of land conveyed to J. L. Martinec, et al. by deed recorded in Vol. 218, Page 202 of the Geauga County Records of Deeds a distance of 286.00 feet to a point in the west line of a second parcel conveyed to said Martinec by deed recorded in Vol. 210, Page 294 of the Geauga County Records of Deeds;

Thence southerly along the west line of the second parcel conveyed to said Martinec a distance of 232.21 feet to the northeast corner of a parcel of land conveyed to the State of Ohio by deed recorded in Vol. 542, Page 990 of the Geauga County Records of Deeds;

Thence westerly along the north line of the said State of Ohio parcel a distance of 74.33 feet to an angle point;

Thence northwesterly continuing along the northerly line of the said State of Ohio parcel and the northwesterly prolongation thereof a distance of approximately 1010.00 feet to the centerline of Ravenna Road;

Thence northerly along the centerline of Ravenna Road a distance of approximately 526.00 feet to the place of beginning.

Exhibit 2
Description for
Auburn Township Zoning Amendment B-1 and R-1 to B-3
SE Corner, S.R. 44 and U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is southerly along said road centerline a distance of 1530.31 feet from the intersection of said centerline with the centerline of Washington Street, said point of beginning also being the southwest corner of a parcel of land conveyed to the State of Ohio by deed recorded in Vol. 513, Page 850 of the Geauga County Records of Deeds;

Thence easterly along the southerly line of said parcel conveyed to the State of Ohio a distance of 335.34 feet to an angle point;

Thence northeasterly continuing along the southerly line of said parcel conveyed to the State of Ohio a distance of 213.27 feet to the southwest corner of a parcel conveyed to the State of Ohio by a Judgment Settlement as recorded in Vol. 532, Page 828 of the Geauga County Records of Deeds;

Thence easterly along the southerly line of the second parcel conveyed by said Judgment Settlement a distance of approximately 535.0 feet to a point in the west line of a 2.07 acre parcel conveyed to Chapin & Chapin, Inc., et al. by deed recorded in Vol. 388, Page 201 of the Geauga County Records of Deeds;

Thence southerly along the west line of said 2.07 acre parcel and the southerly prolongation thereof a total distance of approximately 532.0 feet to the north line of land conveyed to J. and J. Kocheff by deed recorded in Vol. 820, Page 397 of the Geauga County Records of Deeds;

Thence west along the north line of the said Kocheff land a distance of 1089.0 feet to the centerline of Ravenna Road;

Thence northerly along the centerline of Ravenna Road a distance of 403.0 feet to the place of beginning.

Exhibit 3

Description for Auburn Township Zoning Amendment 97-1 R-1 to B-4

Situated in the Township of Auburn, County of Geauga and State of Ohio, and known as being a part of Section No.4, Tract 2, in said Township and is bounded and described as follows:

Beginning at a concrete monument at the extreme south-easterly corner of the land formerly owned by The Schumacher-Schnabel Corporation, said monument being at an angle in the westerly line on the City of Akron property;

Thence Westerly along the south line of said Schumacher-Schnabel Corporation property, which is also the north line of property owned by the City of Akron and Ava R. Fox, about 2237.71 feet, to an iron pin on said line and on the center line of the Painesville-Ravenna Road and known as Ohio State Route No.44;

Thence northerly along said center line of Route No.44 - 402.95 feet to a point (iron pin).

Thence easterly parallel with the south line of the Schumacher-Schnabel Corporation land and 400.00 feet northerly at right angles therefrom 2187.5 feet more or less to an iron pipe in the easterly line of said property.

Thence south along the easterly line which is also the west line of the City of Akron and 400.00 feet to the concrete marker at the place of beginning and containing 20¼ acres of land, be the same more or less, but subject to all legal highways.

Exhibit 4

Description for Auburn Township Zoning Amendment R-1 to B-4 SE Corner, S.R. 44 and U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is southerly along said road centerline a distance of 1933.31 feet from the intersection of said centerline with the centerline of Washington Street, said point of beginning also being the northwest corner of land conveyed to J. and J. Kocheff by deed recorded in Vol. 820, Page 397 of the Geauga County Records of Deeds;

Thence continuing southerly along the centerline of Ravenna Road a distance of 664.95 feet to the southwest corner of land conveyed to J. and M. Voynovich by deed recorded in Vol. 427, Page 1001 of the Geauga County Records of Deeds;

Thence easterly along the south line of said Voynovich land and along the south line of land conveyed to P. and D. Kovalchick by deed recorded in Vol. 576, Page 828 of the Geauga County Records of Deeds a distance of 2187.5 feet to a point in the east line of Section No.4, said east line also being the west line of land conveyed to the City of Akron by deed recorded in Vol. 187, Page 162 of the Geauga County Records of Deeds;

Thence northerly along the east line of Section No.4, said line also being the west line of land conveyed to the City of Akron, a distance of approximately 1223.0 feet to the most easterly corner of a parcel of land conveyed to the State of Ohio by a Judgment Settlement as recorded in Vol. 532, Page 828 of the Geauga County Records of Deeds;

Thence westerly along the southerly line of said parcel conveyed by said Judgment Settlement a distance of approximately 535.0 feet to a point in the west line of a 2.07 acre parcel conveyed to Chapin & Chapin, Inc., et al. by deed recorded in Vol. 388, Page 201 of the Geauga County Records of Deeds;

Thence southerly along the west line of said 2.07 acre parcel and the southerly prolongation thereof a total distance of approximately 532.0 feet to the north line of land conveyed to J. and J. Kocheff by deed recorded in Vol. 820, Page 397 of the Geauga County Records of Deeds;

Thence west along the north line of the said Kocheff land a distance of 1089.0 feet to the place of beginning.

Exhibit 5

Description for Auburn Township Zoning Amendment R-1 to B-3 SW Corner, S.R. 44 and U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is northerly along said centerline a distance of 1759.75 feet from the intersection of said centerline with the centerline of Taylor May Road, said point of beginning also being the northeast corner of a 50.00 foot strip of land conveyed to M. and F. Bluso by deed recorded in Vol. 831, Page 789 of the Geauga County Records of Deeds;

Thence westerly along the northerly line of the said Bluso land a distance of 1560.5 feet to an angle point;

Thence northerly along an easterly line of the said Bluso land a distance of approximately 532 feet to the southwest corner of land conveyed to the State of Ohio by deed recorded in Vol. 516, Page 1005 of the Geauga County Records of Deeds;

Thence easterly along the southerly line of the said State of Ohio land a distance of 466.5 feet to an angle point;

Thence southeasterly continuing along the southerly line of the said State of Ohio land a distance of 452.6 feet to the most westerly point of a second parcel conveyed to the Geauga County Records of Deeds;

Thence southeasterly along the southerly line of the said second parcel conveyed to the State of Ohio and the prolongation thereof a distance of approximately 702.0 feet to the centerline of Ravenna Road;

Thence southerly along the centerline of Ravenna Road a distance of approximately 330.0 feet to the place of beginning.

Exhibit 6

Description for Auburn Township Zoning Amendment R-1 to B-4 SW Corner, S.R. 44 and U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is northerly along said centerline a distance of 636.98 feet from the intersection of said centerline with the centerline of Taylor May Road, said point of beginning also being the northeast corner of land conveyed to A.J. Reithoffer by deed recorded in Vol. 621, Page 1023 of the Geauga County Records of Deeds;

Thence westerly along the north line of the said Reithoffer land and the north line of land conveyed to W. and W. Brown by deed recorded in Vol. 418, Page 947 of the Geauga County Records of Deeds a distance 2333.9 feet to the east line of land conveyed to E. Watson by deed recorded in Vol. 434, Page 40 of the Geauga County Records of Deeds;

Thence northerly along the east line of the said Watson land a distance of 1255.6 feet to the northeast corner thereof;

Thence westerly along the north line of the said Watson land a distance of 567.4 feet to the southeast corner of land conveyed to A. Padegimas by deed recorded in Vol. 220, Page 386 of the Geauga County Records of Deeds;

Thence northerly along the east line of the said Padegimas land a distance of 428.8 feet to the southwest corner of land conveyed to the State of Ohio by deed recorded in Vol. 516, Page 596 of the Geauga County Records of Deeds;

Thence easterly along the southerly side of the said State of Ohio land a total distance of 1474.4 feet to the west line of land conveyed to L. J. Conrad by deed recorded in Vol. 556, Page 928 of the Geauga County Records of Deeds;

Thence southerly along the west line of the said Conrad land and along the west line of land conveyed to M. Catt, et al., by deed recorded in Vol. 703, Page 866 of the Geauga County Records of Deeds and along the west line of land conveyed to R. and J. Simpson by deed recorded in Vol. 747, Page 602 of the Geauga County Records of Deeds a distance of approximately 532.0 feet to the southwest corner of the said Simpson land;

Thence easterly along the south line of the said Simpson land a distance of 1560.5 feet to the centerline of Ravenna Road;

Thence southerly along the centerline of Ravenna Road a distance of approximately 1123.0 feet to the place of beginning.

Exhibit 7

Description for Auburn Township Zoning Amendment New B-3 Area NW Corner, S.R. 44 and New U.S. Route 422

Situated in the Township of Auburn, County of Geauga and State of Ohio being part of Section No.4, Tract 2 within said Township and further described as follows:

Beginning in the centerline of Ravenna Road (S.R. 44) at a point which is south 07° 30' 00" west along said road centerline a distance of 504.6 feet from the intersection of said centerline with the centerline of Washington Street, said point of beginning also being the southeast corner of land conveyed to F. T. Associates by deed recorded in Vol. 826, Page 294 of the Geauga County Records of Deeds;

Thence continuing south 07° 30' 00" west along the centerline of Ravenna Road a distance of 280.56 feet to the northeast corner of land conveyed to the State of Ohio by deed recorded in Vol. 537, Page 497 of the Geauga County Records of Deeds;

Thence westerly along the northerly side of the said State of Ohio land by the following five courses:

Course No.1 - north 82° 30' 00" west a distance of 63.30 feet to a point;

Course No.2 - south 10° 16' 39" west a distance of 35.04 feet to a point;

Course No.3 - south 49° 02' 22" west a distance of 154.98 feet to a point;

Course No.4 - south 83° 53' 49" west a distance of 1044.16 feet to a point;

Course No.5 - north 88° 30' 30" west a distance of 46.37 feet to a point in the east line of a second parcel conveyed to the State of Ohio by deed recorded in Vol. 515, Page 644 of the Geauga County Records of Deeds;

Thence northerly along the east line of the second parcel conveyed to the State of Ohio and along the east line of land conveyed to S. and Z. Besser by deed recorded in Vol. 484, Page 201 of the Geauga County Records of Deeds a distance of 595.6 feet to an angle point;

Thence easterly along a southerly line of the said Besser land a distance of 35.69 feet to an angle point;

Thence northerly along the easterly line of the said Besser land a distance of 40.92 feet to the southwest corner of land conveyed to the Auburn Township Trustees by deed recorded in Vol. 210, Page 305 of the Geauga County Records of Deeds;

Exhibit 7

Thence easterly along the southerly line of the said Auburn Township land a distance of 267.3 feet to the northwest corner of a second parcel conveyed to Auburn Township by deed recorded in Vol. 265, Page 483 of the Geauga County Records of Deeds;

Thence southerly along the west line of the second parcel conveyed to Auburn Township a distance of 40.92 feet to the southwest corner thereof;

Thence easterly along the southerly line of the second parcel conveyed to Auburn Township and along the southerly line of land conveyed to R. and A. LaRue by deed recorded in Vol. 734, Page 567 and Vol. 825, Page 1288 of the Geauga County Records of Deeds a distance of 605.4 feet to the southwest corner of the aforementioned land conveyed to F. T. Associates;

Thence easterly along the south line of the land conveyed to F. T. Associates a distance of 398.8 feet to the place of beginning.

Exhibit 8

Description of Auburn Corners Retail Business District B-1A Along Washington Street from Messenger Road Easterly to Approximately 1200 Feet of Ravenna Road (SR44)

Situated in the Township of Auburn, County of Geauga and State of Ohio and known as being part of Original Auburn Township 30' 00" Lot 5, Section 3, Tract Two, and part of Section 4, Tract Two, together forming a parcel of land bounded and described as follows:

Beginning at the centerline intersection of Washington Street with Messenger Road;

Thence northerly, along the centerline of said Messenger Road, a distance of 600 feet;

Thence easterly, approximately 730 feet to the easterly line of Original Auburn Township Lot 5, Section 3, Tract Two, also being the northwesterly corner of land as described in deed to N. Gambrill recorded in Volume 872, Page 237 of Geauga County Records, and the southwest corner of Derbyshire Subdivision Phase II recorded in Volume 23, Page 55 of Geauga County Plat Records;

Thence easterly along the Southerly line of said Derbyshire Subdivision Phase II aforesaid and its easterly prolongation a distance of approximately 3230 feet to the centerline of Ravenna Road (SR 44);

Thence continuing easterly, along the northerly line of land as described in deeds to A.J. & J. Reithoffer, Volume 1022, Page 184, M. T. Emerick, Volume 726, Page 746 and Ohio Trenching Co., Volume 993, Page 708, a total distance of approximately 1245 feet to the northeasterly corner of said Ohio Trenching Co. land;

Thence southwesterly, along the easterly line of said Ohio Trenching Co. land, a distance of approximately 553 feet to the centerline of said Washington Street;

Thence southerly, along the Easterly line of the 5.38 acre parcel of land as described in deed to M. Martinec et.al recorded in Volume 909, Page 63 of Geauga County Records, a distance of approximately 1114 feet to the southeasterly corner thereof;

Thence westerly, along the southerly line of said M. Martinec land, a distance of approximately 239 feet to the southwesterly corner thereof;

Thence northerly, along the westerly line of said M. Martinec land a distance of approximately 231 feet to the southerly line of the 2.0 acre parcel as described in deed to M. Martinec aforesaid;

Thence westerly, along the southerly line of land as described in deeds to M. Martinec, Volume 909, Page 63, and F. T. Associates, Volume 833, Pages 558 & 560, a distance of approx. 274 feet to the southwesterly corner of the 1.94 acre parcel of F. T. Associates;

Exhibit 8

Thence northerly, along the westerly line of the said 1.94 acre F. T. Associates land, a distance of approximately 561 feet to the southeasterly corner of land as described in deed to S.C. & L. M. Rolf, recorded in Volume 808, Page 1061 of Geauga County Records;

Thence westerly along the southerly line of land as described in deeds to S. C. & L. M. Rolf, Volume 808, Page 1061, D. R. Cross and E. A. Richardson, Volume 753, Page 11, and R. & B. May, Volume 454, Page 631 all of Geauga County Records, a total distance of approximately 734 feet to the centerline of said Ravenna Road;

Thence southerly, along the centerline of said Ravenna Road, a distance of approximately 190 feet to its intersection with the easterly produced southerly line of land, as described in deed to F. T. Associates, recorded in Volume 826, Page 294 of Geauga County Records;

Thence westerly, along the southerly line of said F. T. Associates land, and the southerly line of lands as described in deeds to R. A. & Anne M. LaRue, Volume 734, Page 567 and the 0.50 acre parcel of land of the Auburn Township Trustees, Volume 265, Page 483 all of Geauga County Records, a total distance of approximately 1007 feet to the southwesterly corner of the 0.50 acre Auburn Township Trustee land;

Thence northerly, along the westerly line of said 0.50 acre of Auburn Township Trustees land, a distance of approximately 46 feet to the southeasterly corner of land as described in deed to the Auburn Township Trustees, recorded in Volume 210, Page 305 of Geauga County Records;

Thence westerly, along the southerly line of said Auburn Township Trustees land, a distance of approximately 264 feet to the Southwesterly corner thereof, also being in an Easterly line of land as described in deed S & Z Besser, recorded in Volume 484, Page 201 of Geauga County Records;

Thence in a general southerly direction along the S & Z Besser land the following courses and distances:

Southerly, a distance of approximately 50 feet; westerly, a distance of approximately 41 feet; and southerly, a distance of approximately 607 feet to the new southeasterly corner thereof;

Thence westerly along the new southerly line of said S & Z Besser land aforesaid, and the new southerly line of lands as described in deeds to J. R. Romig, Volume 463, Page 287, M. P. & K. E. Gibb, Volume 653, Page 112, M. D. Bluso, Volume 811, Page 70 and Volume 842, Page 227 and L. & J. Kovacs, Volume 1031, Page 999, all of Geauga County Records, a total distance of approximately 1470 feet to the southwesterly corner of said L. & J. Kovacs land, also being in the easterly line of the 3.75 acre parcel as described in deed to V. E. Matula, recorded in Volume 665, Page 694 of Geauga County Records;

Exhibit 8

Thence southerly, along the easterly line of said 3.75 acres of V. E. Matula land, a distance of approximately 80 feet to the southeasterly corner thereof; ,

Thence westerly, along the southerly line of said V. E. Matula land, a total distance of approximately 420 feet to the southwesterly corner thereof;

Thence northerly, along the westerly line of said V. E. Matula land, a distance of approximately 60 feet to the southeasterly corner of land as described in deed to A. Padegimas recorded in Volume 220, Page 386 of Geauga County Records;

Thence westerly along the Southerly line of said .A. Padegimas land, a distance of approximately 735 feet to the southwesterly corner thereof;

Thence northerly, along the westerly line of said A. Padegimas land, a distance of approximately 1090 feet to the centerline of said Washington Street;

Thence easterly along the centerline of said Washington Street, a distance of approximately 50 feet to the Place of Beginning.

Exhibit 9

Description of General Business B-1 Area Along Washington Street from the Westerly Boundary of Auburn Township Easterly to Munn Road

Situated in the Township of Auburn, County of Geauga and State of Ohio and known as being part of Section 1, Tract Two and part of Original Auburn Township Lots 2, 3 and 8, Section 2, Tract Two, together forming a parcel of land bounded and described as follows:

Beginning the centerline of Washington Street at its intersection with the westerly boundary of Auburn Township;

Thence southeasterly, along the centerline of said Washington Street, a distance of 1178.65 feet to the most westerly corner of a 1.96 acre parcel of land as described in deed to Bob's Beverage, Inc., recorded in Volume 1071, Page 424 &: 426 of Geauga County Records;

Thence easterly along the northerly line of said Bob's Beverage, Inc. land and the northerly line of lands as described in deeds to M. J. Ullman, Volume 611, Page 407; Bob's Beverage, Inc., Volume 812, Page 1158; Auburn CTR Development Property, Volume 830, Page 118; and Bob's Beverage, Inc., Volume 842, Page 221, all of Geauga County Records, a total distance of approximately 1300 feet the northeasterly corner of said Bob's Beverage, Inc., Volume 842, Page 221 land, also being in the westerly line of land as described in deed to J. P. Weingart recorded in Volume 800, Page 919 of Geauga County Records;

Thence southeasterly and easterly along a line parallel with and 600 feet, by rectangular measurements northerly from the centerline of Washington Street, passing through land as described in deeds to J. P. Weingart, recorded in Volume 800, Page 919, J. Feher, et.al. Volume 863, Page 125; J & R. Cathan, Volume 732, Page 550; and J. J. & R. A. Kocher, Volume 734, Page 151 all of Geauga County Records, a total distance of approximately 4550 feet to the centerline of Munn Road;

Thence southerly, along the centerline of said Munn Road, a distance of 600 feet to the centerline of said Washington Street;

Thence easterly along the centerline of said Washington Street, a distance of 400.00 feet to the northeasterly corner of land as described in deed to P. E. Clemens, recorded in Volume 1101, Page 2 of Geauga County Records;

Thence southerly along the easterly line of said P. E. Clemens lands, a distance of 300.00 feet to the southeasterly' corner thereof;

Exhibit 9

Thence westerly, along the southerly line of said P. E. Clemens land, a distance of 400.00 feet to the centerline of said Munn Road;

Thence southerly along the centerline of said Munn Road, a distance of 300 feet;

Thence westerly, and northwesterly parallel along with and 600 feet, by rectangular measurements, southerly from the centerline of Washington Street, passing through land as described in deeds to Carapace Associates LP, recorded in Volume 1004, Page 108; J. & G. Graham, Volume 1016, Page 856; G. & P. Szoka, Volume 621, Page 1285; A. J. & D. M. Lenart, Volume 914, Page 164; E. W. & V. G. Childs Trust, Volume 1097, Pages 782, and 785; D. J. Zenisek, Volume 1006, Pages 514 and 516; D. R. Vanderwist & P. Winslow, Volume 762, Page 556; and K. S. Fuller, Volume 928, Page 225 all of Geauga County Records, at total distance of approximately 4530 feet to the easterly line of Indian Hills Subdivision recorded in Volume 11, Page 25 of Geauga County Plat Records;

Thence continuing northwesterly, along a line parallel with and 600 feet, by rectangular measurements from the centerline of said Washington Street, passing through Sublots 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31 and 30 of said Indian Hills Subdivision, a distance of approximately 2600 feet, to the said westerly boundary of Auburn Township;

Thence northerly, along the said westerly boundary of Auburn Township, a distance of 669.46 feet to the Place of Beginning;

Thence southeasterly, along the centerline of said Washington Street, a distance of 1178.65 feet to the Principal Place of Beginning.

Exhibit 10

Description of I-I General Industrial Zoned Land Along Munn Road in Auburn Township, Geauga County, Ohio

Situated in the Township of Auburn, County of Geauga and State of Ohio and known as being all of Original Auburn Township Lots 3 and 4, Section 3, Tract One, all of Original Auburn Township Lots 1 and 10 Section 2, Tract Two and part of Original Auburn Township Lot 9, Section 2, Tract Two together forming a parcel of land bounded and described as follows:

Beginning at the centerline intersection of Munn Road with Stafford Road;

Thence easterly, along the centerline of said Stafford Road, also being the northerly line of Original Auburn Township Lot 4, approximately 1830 feet to the common intersection of Original Auburn Township Lots 4, 5, 8 & 9, Section 3, Tract One;

Thence southerly along the easterly line of said Original Lot 4 approximately 2850 feet to the southeasterly corner thereof, also being along the northerly line of said Original Auburn Township Lot 10;

Thence southerly, along the easterly line of said Original Lot 10, a distance of approximately 2210 feet to the southeasterly corner thereof, also being the northeasterly corner of said Original Auburn Township Lot 9;

Thence continuing southerly, along the easterly line of said Original Lot 9, a distance of approximately 640 feet to the southeasterly corner of land as described in deed to K.. Taylor Kuhnle and E. T. Kuhnle, recorded in Volume 1023, Page 844 of Geauga County Records;

Thence westerly, along the southerly line of said K. Taylor Kuhnle and E. T. Kuhnle land, a distance of approximately 1930 feet to the centerline of said Munn Road;

Thence northerly, along the centerline of said Munn Road, a distance of approximately 640 feet to the northwesterly corner of said Original Lot 9, also being the common intersection of Original Auburn Township Lots 1, 2, 9 & 10, Section 2, Tract Two;

Thence westerly along the southerly line of said Original Lot 1, a distance of approximately 2110 feet to the southwest corner thereof, also being the northwesterly corner of Original Lot 2;

Thence northerly, along the westerly line of said Original Lot 1, a distance of approximately 2180 feet to the northwesterly corner thereof;

Exhibit 10

Thence easterly, along the northerly line of said Original Lot 1, a distance of approximately 280 feet to the southwesterly corner of said Original Lot 3;

Thence northerly, along the westerly line of said Original Lot 3, a distance of approximately 2820 feet to the centerline of said Stafford Road, also being the common corner of Original Auburn Township Lots 2, 3, 4, & 5, Section 3, Tract One;

Thence easterly, along the centerline of said Stafford Road, also being the northerly line of said Original Lot 3 a distance of approximately 1820 feet to the Place of Beginning.

Exhibit 11

Description for Auburn Township Zoning Amendment PUD to R-1

Situated in the Township of Auburn, County of Geauga and State of Ohio and known as being part of Original Auburn Township Section 1, Tract Two and bounded and described as follows:

Beginning in the curved centerline of Washington Street at its intersection with the westerly of land described in deed to J. Feher et. al. recorded in Volume 863, Page 125 of Geauga County Records;

Thence along the curved centerline of Washington Street, deflecting to the left, having a radius of 5636.27 feet, a chord of 191.09 feet which bears north 60° 58' 10" west, an arc of 191.10 feet;

Thence north 28° 03' 33" east, 30.00 feet;

Thence along a curved line deflecting to the left, having a radius of 40.00 feet, a chord of 64.20 feet which bears north 64° 41' 03" east, an arc of 74.53 feet to a point of compound curvature;

Thence along a curved line deflecting to the left, having a radius of 1945.86, a chord of 333.91 feet which bears north 6° 23' 13" east, an arc of 334.32 feet to a point of tangency;

Thence north 1° 27' 54" east, 8.97 feet;

Thence north 62° 02' 22" west, 1032.62 feet to an east line of land described in deed to Bob's Beverage, Inc., recorded in Volume 842, Page 221 of Geauga County Records;

Thence north 1° 25' 38" east, along the said east line of Bob's Beverage Inc. land and an easterly line of Auburn Lakes Condominium whose drive was dedicated and recorded in Volume 14, Page 39 of Geauga County Records, a total distance of 947.44 feet;

Thence south 89° 29' 20" east, along a southerly line of said Auburn Lakes Condominium, 994.92 feet to a northwesterly corner of said J. Feher et. al. land;

Thence south 1° 27' 54" west, along the westerly line of said J. Feher et. al. land, 1910.52 feet to the place of beginning and containing 28.406 acres of land according to the survey of January 1999 by Braun-Prenosil Associates Inc., Kevin S. Braun, P.S. No.7082, be the same more or less but subject to all legal highways. (Effective 6/19/99)

Situated in the Township of Auburn, County of Geauga and State of Ohio and known as being part of Original Auburn Township Section No.1, Tract No.2 and bounded and described as follows:

Beginning on the center line of U.S. Rt. 422 aka Chagrin Falls-Greenville Road, at its intersection with the Westerly line of said Section No. 1;

(Continued)

Exhibit 11

(Effective 7/31/02)

Thence North 0° 15' 32" East along said Section Line 1385.45 feet to a Southerly corner of land conveyed to Theodore T. Zuck by deed dated July 19, 1943, and recorded in Volume 212, Page 447 of Geauga County Records;

Thence South 89° 25' 12" East along the Southerly line of land so conveyed to Theodore T. Zuck, 2314.29 feet to the Southeasterly corner thereof;

Thence North 0° 48' 27" East along the Easterly line of land so conveyed to Theodore T. Zuck 829.38 feet to the Northerly line of said Section No.1;

Thence North 89° 51' 20" East along the Northerly line of said Section No.1 1994.78 feet to the Northeasterly corner thereof;

Thence South 1° 19' 30" West along the Easterly line of said Section No.1 1062.31 feet to an angle point therein;

Thence continuing along said Section Line South 0° 44' 41" West 928.34 feet to the Northeasterly corner of land conveyed to John Heiniger and Julia Heiniger by deed dated January 24, 1927, and recorded in Volume 177, Page 533 of Geauga County Records;

Thence North 89° 52' 30" West along the Northerly line of land so conveyed to John and Julia Heiniger and along the Northerly line of land conveyed to Bernard L. Waller and George K. Eykyn by deed dated September 26, 1945, and recorded in Volume 221, Page 13 of Geauga County Records 1981.47 feet to the Northwesterly corner of land so conveyed to Bernard L. Waller and George K. Eykyn;

Thence South 0° 55' 36" West along the Westerly line of land so conveyed to Bernard L Waller and George K. Eykyn 754.08 feet to the Northeasterly corner of land conveyed to Ray Hitchcox and Nancy Hitchcox by deed dated June 20, 1960, and recorded in Volume 378, Page 384 of Geauga County Records;

Thence North 89° 56' 48" West along the Northerly line of land so conveyed to Ray Hitchcox and Nancy Hitchcox 1247.90 feet to the center line of U.S. Rt. 422 aka Chagrin Falls-Greenville Road;

Thence North 62° 39' 30" West along said center line 1182 feet to the place of beginning containing 185.544 acres of land, be the same more or less, but subject to all legal highways, and the same being free and clear of all liens and encumbrances whatsoever save and except a mortgage to Land Title Guarantee & Trust Company dated December 28, 1978, and recorded in Volume 641, Page 273 of Geauga County Records, a mortgage dated December 31, 1981, to Robert M. Lustig as Trustee of the Pioneer Contracting Corporation Profit Sharing Trust recorded in Volume _____, Page _____ of the Geauga County Records, and Easements to Pittsburg Consolidation Coal Company dated July 11, 1955, recorded in Volume 277, Page 146 Geauga County Records the lien for taxes and assessments due but not yet payable and zoning ordinance.

Exhibit 12

Description for Auburn Township Zoning Amendment ZC2000-02

The following parcel is to remain I-1:

Situated in the Township of Auburn, County of Geauga, and State of Ohio, and known as being part of Lot No. 34, Tract 3 in said Township, bounded and described as follows: Beginning at a point in the centerline of Auburn Road that is 710 feet south of the intersection of the centerline of Auburn Road and the north line of Lot No. 34; Thence east, 350 feet to a point; Thence south, 440 feet to a point; Thence west, 350 feet to a point in the centerline of Auburn Road; Thence north, 440 feet along the centerline of Auburn Road to the place of beginning, and containing within the above described bounds, 3.535 acres of land, subject to all legal highways.

As recorded in Quit-Claim Deed recorded September 4, 1992, Volume 914, Page 692 by Laurence C. Brown and Gizella Brown with the office of the Geauga County Recorder.

The following parcel is changed from I-1 to R-1 :

Situated in the Township of Auburn, County of Geauga, and State of Ohio, being part of Original Lot No. 34, Tract No. 3 within said Township and further described as follows: Beginning in the centerline of Auburn Road at the southwest corner of land conveyed to J. and J. Siman, et al., by deed recorded in Vol. 740, Page 178, of the Geauga County Records of Deeds; Thence south 87 deg. 39' 39" east along the southerly line of the said Siman land, passing through an iron pin set at 30.01 feet a distance of 525.00 feet to an iron pin set; Thence south 01 deg. 13' 00" west a distance of 330.00 feet to an iron pin set; Thence north 87 deg. 39' 39" west a distance of 525.00 feet to the centerline of Auburn Road, passing through an iron pin set 30.01 feet therefrom; Thence North 01 deg. 13' 00" east along the centerline of Auburn Road a distance of 330.00 feet to the place of beginning, containing within said bounds 3.977 acres of land according to the survey of J. Arthur Temple, Registered Surveyor No. 4761 dated November 14, 1992, be the same or less, but subject to all legal highways.

As recorded in Quit-Claim Deed recorded February 3, 1993, Volume 930, Page 187 by John L. Brown with the office of the Geauga County Recorder.

Exhibit 12

The following parcels are changed from I-1 to R-1:

Parcel 1:

Situated in the Township of Auburn, County of Geauga, and State of Ohio: Known as part of Lot No. 34 in said Township of Auburn in Tract No. 3 thereof, Atwater Tract, and bounded and described as follows: Beginning at a point in the centerline of Auburn Road on the southerly line of said Lot No. 34; thence easterly along the southerly line of said Lot No. 34, 475 feet; thence northerly parallel with the centerline of said Auburn Road, 475 feet; thence westerly parallel with the southerly line of said Lot No. 34, 475 feet to the centerline of said Auburn Road; thence southerly along the centerline of said Auburn Road, 475 feet to the place of beginning, containing 5.17 acres of land, be the same more or less, but subject to all legal highways.

Parcel 2:

Situated in the Township of Auburn, County of Geauga, and State of Ohio: and known as being part of Lot No. 34, Tract No.3 in said Township and bounded and described as follows: Beginning at a point in the centerline of Auburn Road at the northeast corner of land conveyed to Carl H. Emerick by deed recorded in Volume 400, Page 123, Geauga County Records of Deeds; thence northerly along said road centerline a distance of 208.00 feet to a point. Thence westerly and parallel to the northerly line of said Carl H. Emerick land a distance of 733.00 feet to a point. Thence southerly and parallel to the centerline of Auburn Road a distance of 208.00 feet to the southerly line of Lot No. 34, the northerly line of said Emerick land. Thence easterly along said Emerick northerly line a distance of 733.00 feet to the place of beginning. Containing approximately 3 ½ acres of land, be the same more or less, but subject to all legal highways.

Parcel 3:

Situated in the Township of Auburn, County of Geauga, and State of Ohio: Known as being part of Lot No. 34, Tract No. 3, in said Township and bounded and described as follows: Beginning at a point in the centerline of Auburn Center Road 600 feet southerly from the north line of said Lot No. 34; thence westerly parallel with the north line of said Lot about 730 feet to the west line of said Lot No. 34; thence southerly along the west line of said Lot 450 feet to a point; thence easterly parallel with the north line of said Lot about 730 feet to the centerline of said Auburn Center Road; thence northerly along the centerline of said road 450 feet to the place of beginning. Containing 7.54 acres of land, be the same more or less, but subject to all legal highways.

Parcel 4:

Situated in the Township of Auburn, County of Geauga, and State of Ohio. Known as part of Lot No. 34 in Tract 3 in said Township and bounded and described as follows: Beginning in the centerline of Auburn Road at the southeast corner of lands conveyed to Lenard H. Redford, et al. as recorded in Volume 435 at Page 789 of Geauga County Records of Deeds, said point being the boundary line of Lots 33 and 34 in said Township; Thence westerly along the southerly line of said Redford lands to the northwest corner of Lot 34; thence southerly along the westerly line of Lot 34, 385 feet; Thence easterly on a

Exhibit 12

line parallel with the northerly line of said Lot No. 34 to the centerline of said Auburn Road; thence northerly along the centerline of said Auburn Road 385 feet to the place of beginning, and containing approximately 6 acres of land, be the same more or less, but subject to all legal highways.

Parcel 5:

Situated in the Township of Auburn, County of Geauga, and State of Ohio, and known as being part of Lot 34, Tract 3 in said Township, bounded and described as follows: Beginning at a point on the west line of Lot 34, South 1 deg. 58' 40" West, 385 feet from the northwest corner of Lot 34; said point also being the southwest corner of lands conveyed to Basil and Patricia Dillon by deed recorded in Volume 478, Page 938, of the Geauga County Record of Deeds; Thence east, 679.0 feet along the south line of said Dillon lands to a spike in the centerline of Auburn Road; Thence south, 215 feet along the centerline of Auburn Road to a spike; Thence west, 686.4 feet along the north line of lands conveyed to Charles and Suzann Brown by deed recorded in Volume 452, Page 3 of the Geauga County Records of Deeds; Thence north 1 deg., 58' 40" east, 215 feet along the west line of Lot 34 to the place of beginning, and containing within the above-described bounds, 3.370 acres of land, subject to all legal highways.

Parcel 8:

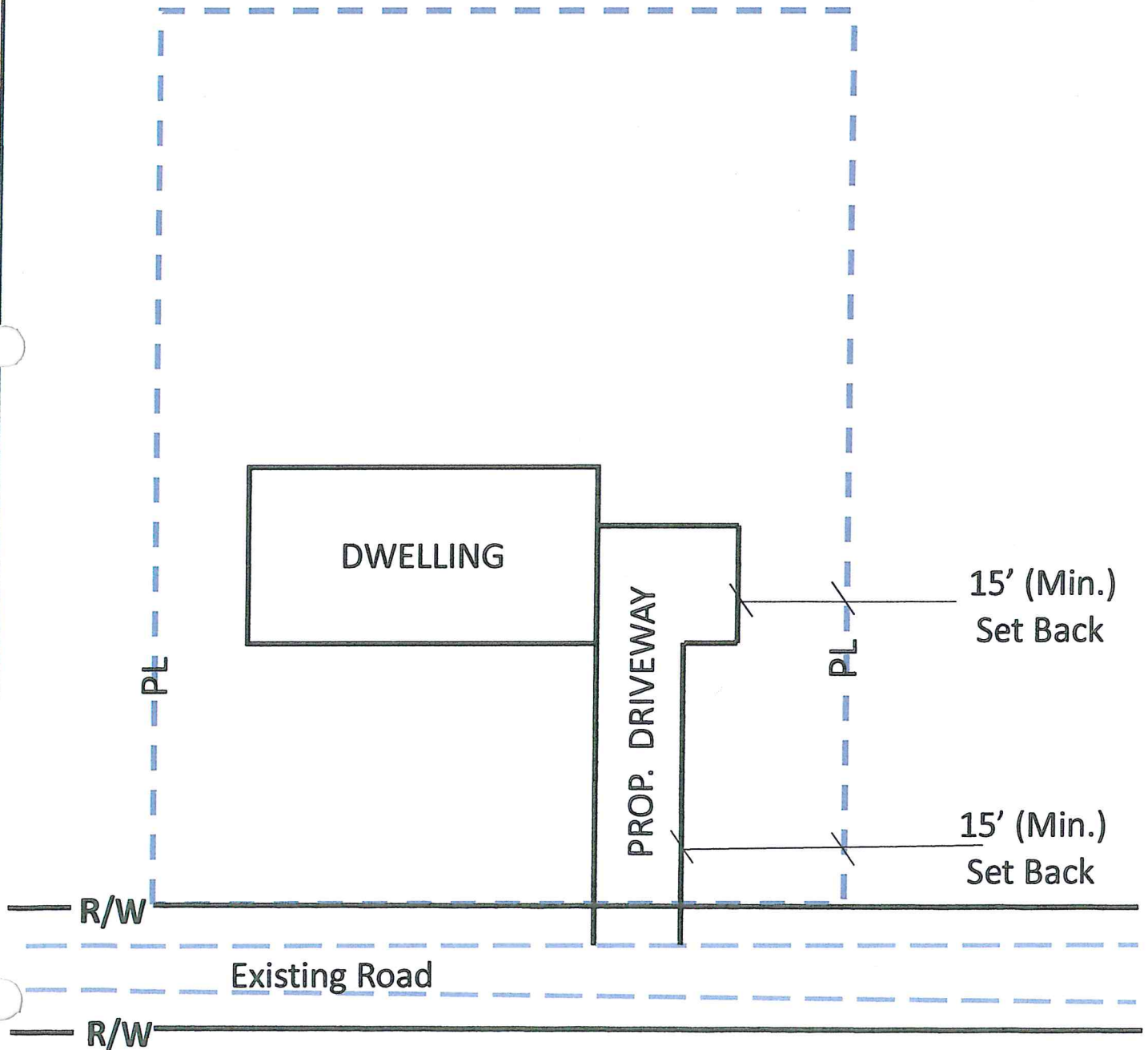
Situated in the Township of Auburn, County of Geauga, and State of Ohio being part of Original Lot No. 34, Tract No. 3 within said Township and further described as follows: Beginning in the centerline of Auburn Road at the northwest corner of land conveyed to Laurence J. and Madelyn Brown by deed recorded in Vol. 424; Page 885, of the Geauga County Records of Deeds; Thence South 88 deg. 28' 46" east along the north line of the said Brown land, passing through an iron pin set at 30.00 feet, a distance of 521.34 feet to an iron pin set at the northeast corner thereof; Thence north 00 deg. 51' 10" east a distance of 266.17 feet to an iron pin set; Thence north 88 deg. 28' 46" west along a line which will be parallel to and 60.00 feet from, by perpendicular measure, the south line of land conveyed to Charles G. Brown Discretionary Trust by deed recorded in Vol. 669, Page 28, of the Geauga County Records of Deeds a distance of 520.66 feet to the centerline of Auburn Road, passing through an iron pin set 30.00 feet therefrom. Thence south 00 deg. 51' 10" west along the center line of Auburn Road a distance of 266.18 feet to the place of beginning, containing within said bounds 3.183 acres of land according to the survey of J. Arthur Temple, Registered Surveyor No. 4761 dated November 14, 1992.

As recorded in Quit-Claim Deed recorded February 3, 1993, Volume 930, Page 180 by John L. Brown with the office of the Geauga County Recorder.

APPENDIX "G"

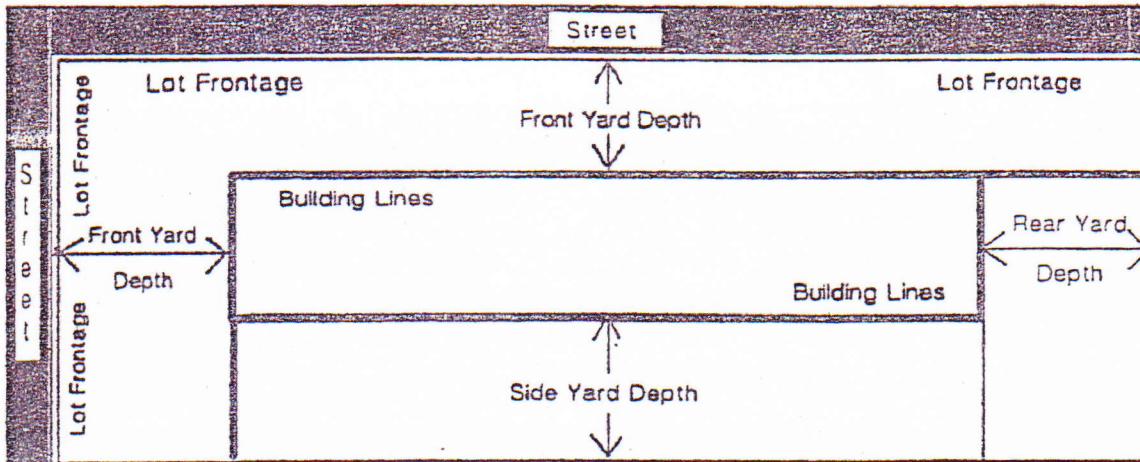
AUBURN TWP. R-2/R-1 DISTRICT

All driveways shall be installed no closer than 15' from the edge of the pavement/gravel surface and the adjacent property line. This set back would include all parking areas, driveway to access the dwelling, and turn around area. The 15' minimum setback should also include where the driveway turn out extends into the public right of way.

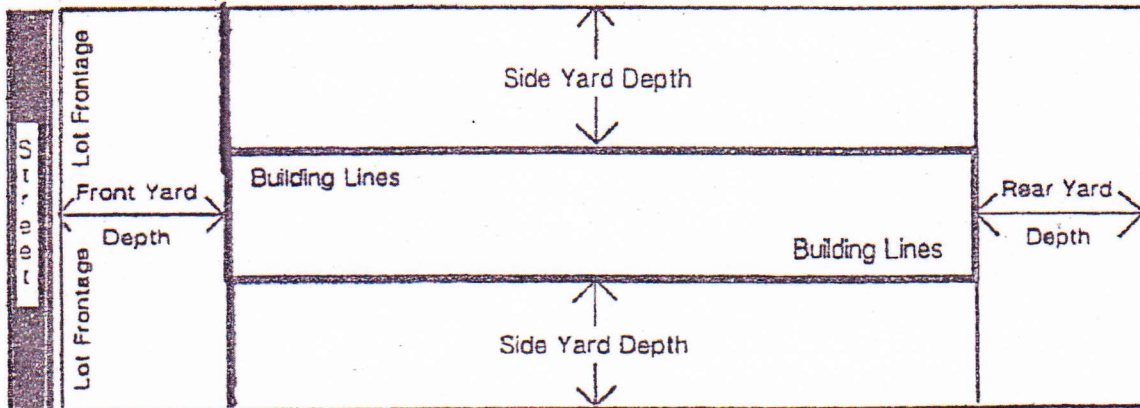


LOT AND YARD ARRANGEMENTS

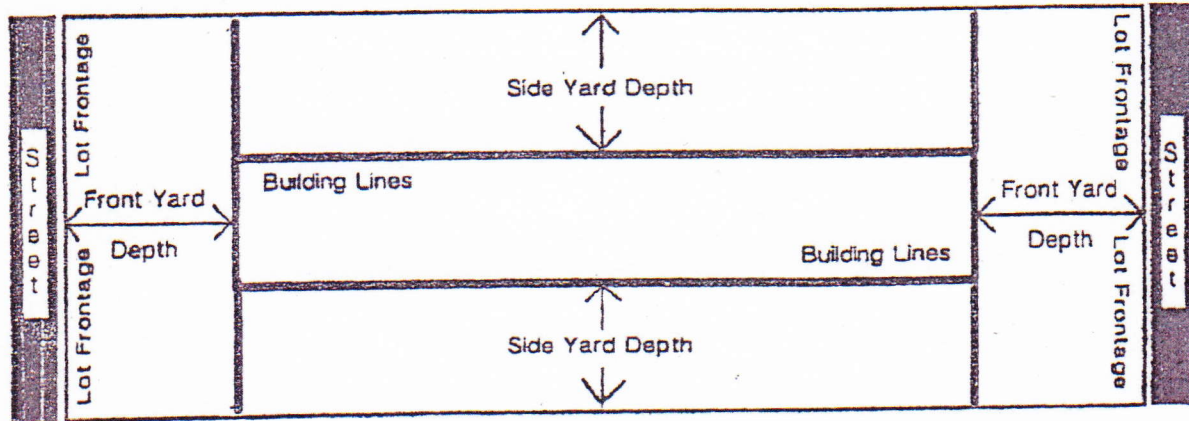
(1) Corner Lot:



(2) Interior Lot:



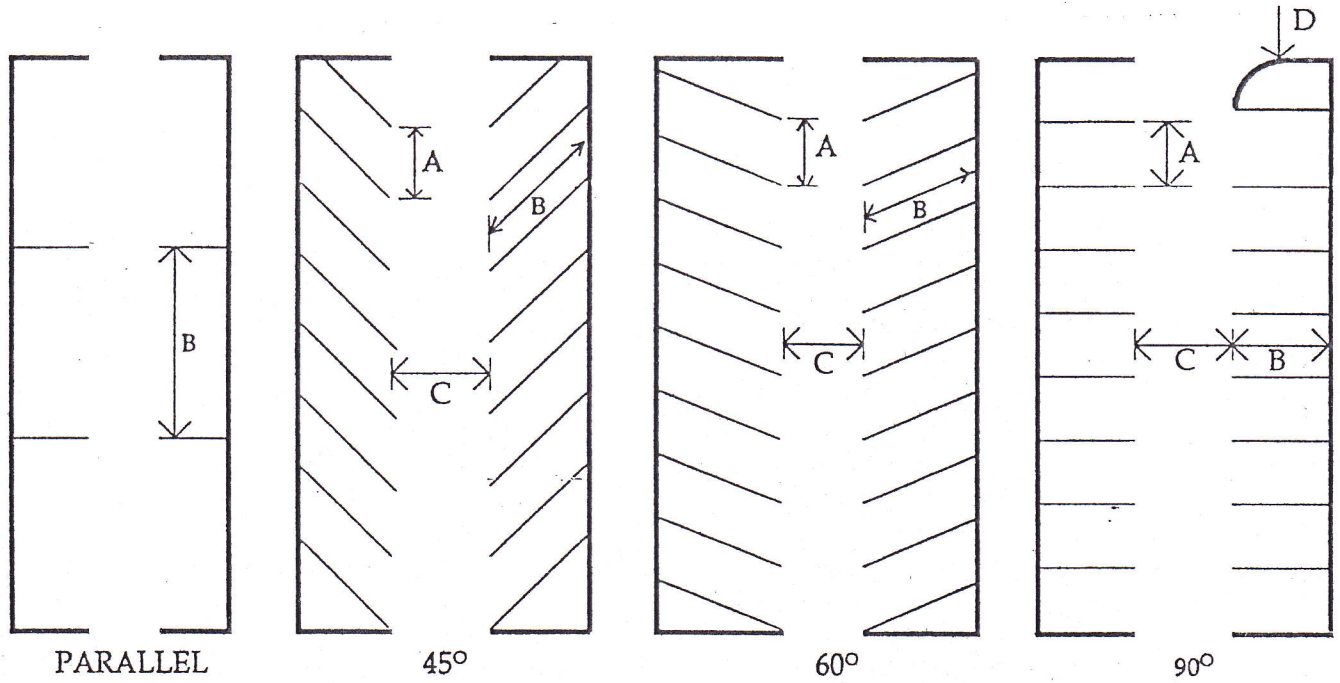
(3) Through Lot:



Notes: See Definitions. Above diagrams apply to irregularly shaped lots and yards.

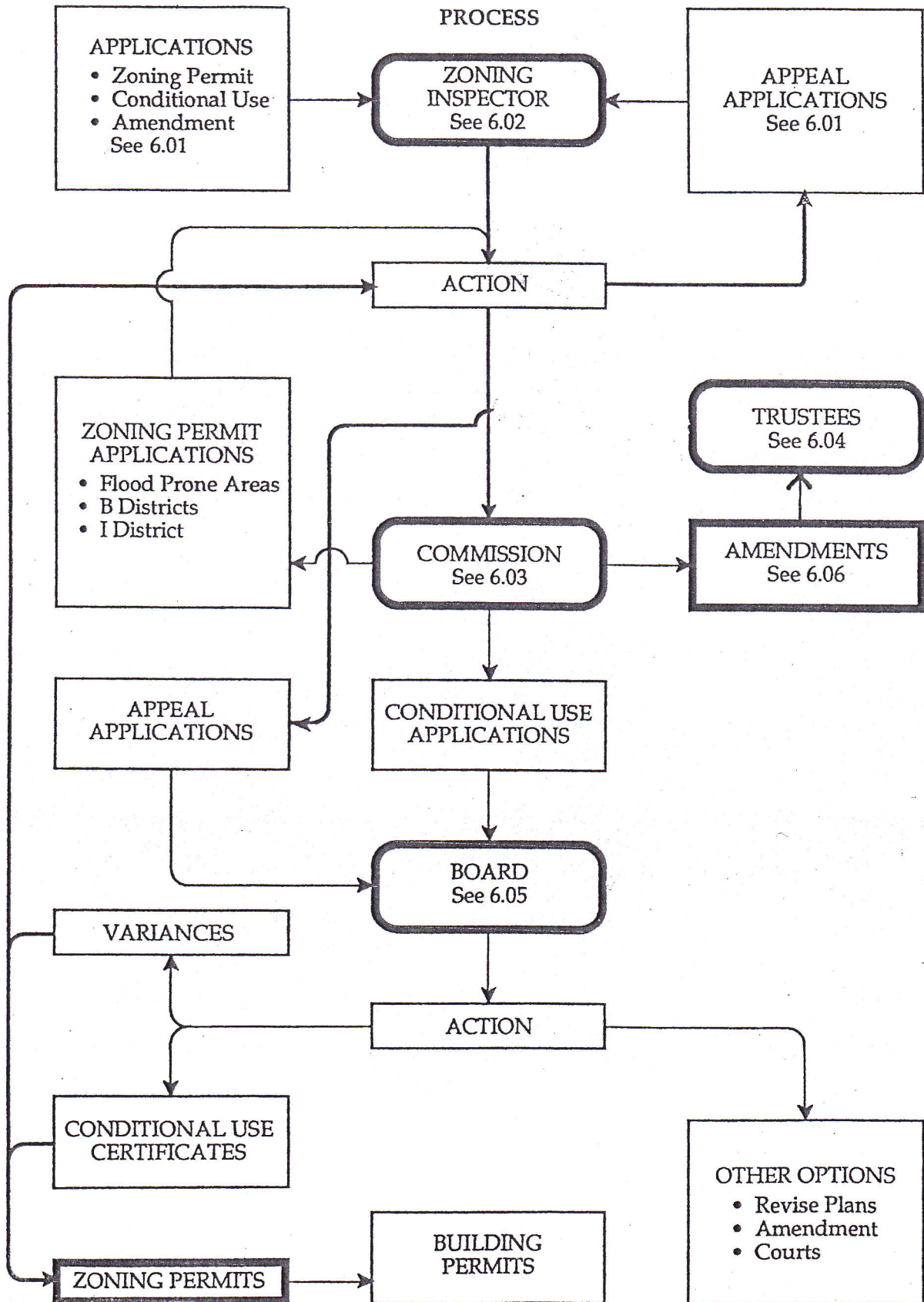
APPENDIX "C"

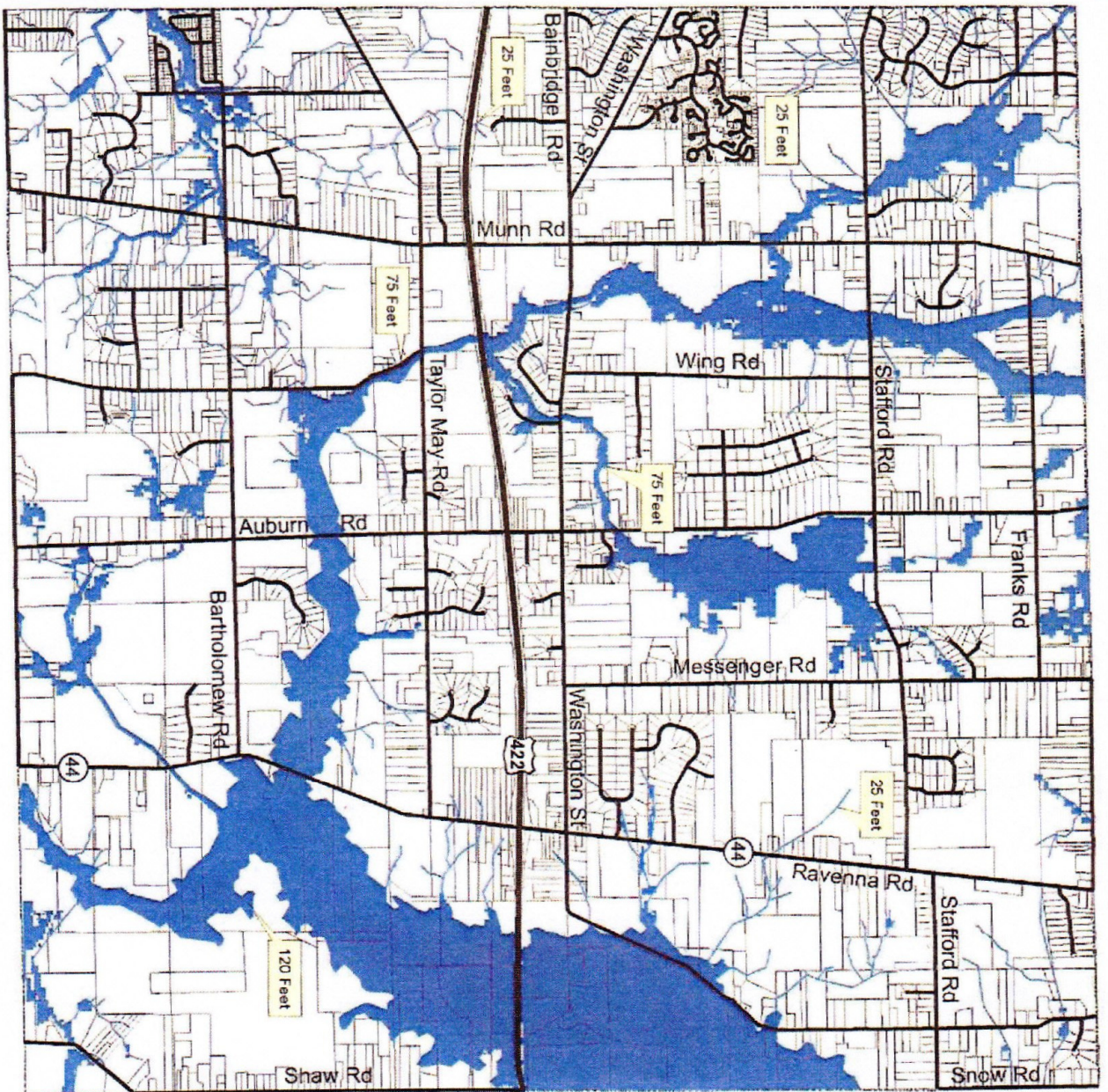
PARKING ARRANGEMENTS



MINIMUM STANDARDS	PARALLEL	45°	60°	90°	
A	Width of parking Space	9'	12'	10'	9'
B	Length of Parking Space	23'	19'	19'	19'
C	Width of Driveway Isle	12'	13'	18'	25'
D	Width of Access Driveway	14'	17'	14'	14'


APPENDIX "D"





Auburn Township Geauga County, Ohio

Riparian Setback Map Appendix "E"

 Riparian Setbacks

Adopted By The Auburn Township Board of Trustees
Pursuant to Amendment No. 2005-01
This 1st Day of August, 2005.

Patrick J. Cavanagh
Patrick J. Cavanagh, Trustee

John A. Eberly
John A. Eberly, Trustee

Eugene T. McCune
Eugene T. McCune, Trustee

Effective The 31 Day of August, 2005.

Susan Plavcan
Susan Plavcan, Interim Clerk

0 2,000 4,000 8,000 Feet



Prepared by: Geauga County Planning Commission, November, 2004.
Revised May 2005.
Source: Chagrin River Watershed Partners, Inc.
Disclaimer: The Geauga County Planning Commission does not warrant the accuracy of the map. It is not based upon a land survey.
Note: Article 3, Section 3.06(d)(3) of the Auburn Township Zoning Resolution- "If any discrepancy is found between the riparian setback map and these regulations or if any discrepancy is found between existing site conditions and these regulations, the criteria set forth in Article 3, Section 3.05(c) shall prevail."

APPENDIX F

LOT 2:

A - AREA = 127,000 s.f.

B - MEAN DEPTH:

(Measured)=1,150 Feet

C - MEAN WIDTH: $A/B=C$

(127,000/1,150=110 Feet)

MEAN DEPTH SHOULD BE LESS THAN
3*MEAN WIDTH (330 feet)

LOT 2 would not meet ZC2005-03

LOT 3:

A - AREA=107,000 s.f.

B - MEAN DEPTH:

(Measured)=900 Feet

C - MEAN WIDTH: $A/B=C$

(107,000/900=118 Feet)

MEAN DEPTH SHOULD BE LESS THAN
3*MEAN WIDTH (354 feet)

LOT 3 would not meet ZC2005-03

LOT 4:

A - AREA=90,000 s.f.

B - MEAN DEPTH:

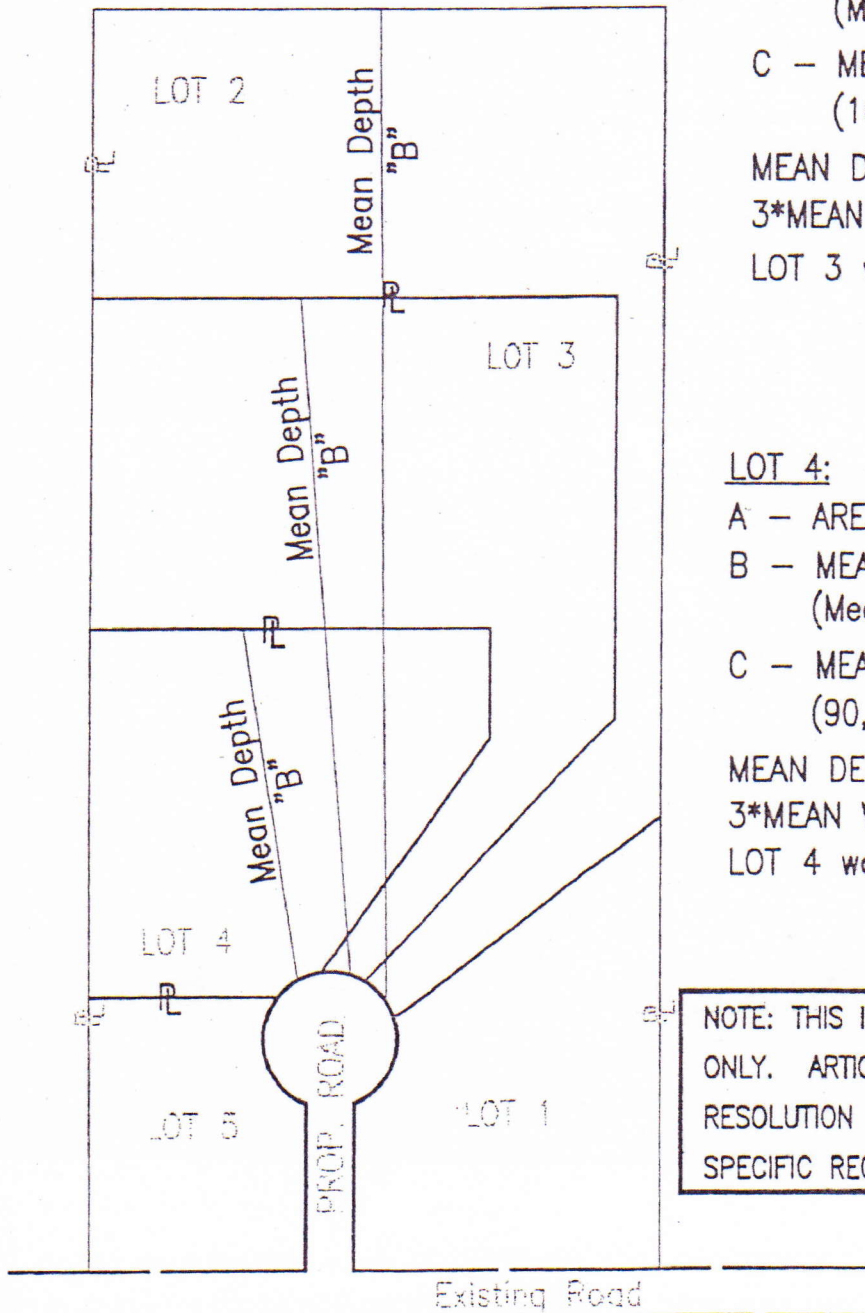
(Measured)=500 Feet

C - MEAN WIDTH: $A/B=C$

(90,000/500=180 Feet)

MEAN DEPTH SHOULD BE LESS THAN
3*MEAN WIDTH (540 feet)

LOT 4 would meet ZC2005-03



NOTE: THIS IS FOR ILLUSTRATIVE PURPOSES ONLY. ARTICLE 4.03(d) OF THE ZONING RESOLUTION SHOULD BE REVIEWED FOR THE SPECIFIC REGULATIONS.

ARTICLE 1

TITLE AND ENACTMENT

- 1.01 Title
- 1.02 Jurisdiction
- 1.03 Purpose & Scope
- 1.04 Interpretations
- 1.05 Exemptions
- 1.06 Severability
- 1.07 Repealer
- 1.08 Effective Date
- 1.09 Schedule of Fees, Charges
- 1.10 Computation of Time
- 1.11 Irreconcilable Amendments
- 1.12 Continuation of Prior Amendment
- 1.13 Effect of Amendment

1.01 **TITLE:** This Resolution shall be known as the “Auburn Township Zoning Resolution” and may be hereinafter referred to as “this Resolution.”

1.02 **JURISDICTION:** This Resolution shall apply to all of the unincorporated territory of Auburn Township, Geauga County, Ohio.

1.03 **PURPOSE AND SCOPE:** This Resolution has been enacted in the interest of the public health, safety, convenience, comfort, prosperity or general welfare in accordance with a comprehensive plan and Chapter 519 of the Ohio Revised Code. Any activities permitted and regulated under Chapter 1513 or 151. of the Revised Code and any related processing activities may be regulated only in the interest of public health or safety. Additional purposes of this Resolution are:

- A. To divide the township into zoning districts and to provide uniform regulations for each class or kind of buildings, structures and uses within such zoning districts.
- B. To regulate the location, height, bulk, and size of buildings and other structures and the percentage of lot coverage by buildings, structures, and impervious surfaces. 3/6/13
- C. To regulate building and other structure setback lines (yards). 3/6/13
- D. To regulate the density of population by establishing minimum lot size, frontage, and width requirements and minimum setbacks in each zoning district. 3/6/13
- E. To regulate the use of buildings and structures in each zoning district and to ensure that appropriate utilities, sewage treatment and water supply facilities, and other

matters related to public health and safety are adequately addressed to serve such uses.

- F. To conserve and protect the natural resources of the township, including the supply of groundwater and open spaces. 3/6/13
- G. To ensure that development is in accord with the capability and suitability of the land to support it.
- H. To establish development standards in the districts that effectively manage current and future development to maintain an acceptable balance between commercial/industrial development and the surrounding rural and residential areas.
- I. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources in order to maintain the semi-rural character of the Township.
- J. To promote and protect the public health, safety, morals and general welfare.

1.04 **INTERPRETATION:** The provisions of this Resolution shall be interpreted and applied as minimum requirements. Whenever its provisions conflict with those of any other lawfully adopted rule, regulation or resolution, the most restrictive shall govern. 3/6/13

1.05 **EXEMPTIONS:** Powers not conferred by Chapter 519 of the ORC or this Resolution follow.

(a) **Agriculture:** This Resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure. However, this Resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with R.C. 519.21 (B). 8/15/18

(1) In any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following shall apply:

- (aa) On lots of one (1) acre or less, agricultural buildings, structures and uses are prohibited.
 - (bb) On lots greater than one (1) acre but less than five (5) acres, dairying and animal and poultry husbandry are prohibited when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the ORC. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC and Article 3.03 of this Resolution.
 - (cc) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall have the same setbacks for a principal building for the zoning district in which located, a maximum height of twenty-three feet (23').
 - (dd) Pursuant to Ohio Revised Code Section 519.21(B), on lots greater than five (5) acres in area, no regulations apply to agriculture, buildings or structures, and dairying and animal and poultry husbandry.
- (2) In all other areas the following shall apply – No zoning certificates are required for the construction of buildings incident to the use of land for agricultural purposes; but a zoning certificate application and agricultural exemption request form shall be filed with the Zoning Inspector. If the purpose and use is clearly demonstrated to be strictly agricultural in nature, the Zoning Inspector will approve the exemption and no fee shall be charged.
- 8/15/18

- (b) **Public Utilities:** This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this Resolution, “public utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of other Ohio Revised Code. However, subject to R.C. 519.211 (B)(4)(a), the provisions of this zoning resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities. 6/5/99

- (c) **Sale of Alcoholic Beverages:** This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this Resolution.
- (d) **Economically Significant Wind Farm:** This Resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for the purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.
- (e) **Amateur Radio Service:** Pursuant to Ohio Revised Code Section 5502.031, this Resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.
- (f) **Government:** This Resolution does not apply in respect to the location, relocation, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any Federal, State, or political subdivision thereof, or the use of land by any Federal, State, or political subdivision thereof, for the operation of its business. (Effective 5/19/04)
- (g) **Transportation:** This Resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this Resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public road or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Revised Code. 11/19/13
- (h) **Biodiesel Production:** This Resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Sections 5713.30 to 5713.37 of the Ohio Revised Code for a real property tax purposes. As used herein, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the Ohio Revised Code.

- (i) **Methane Gas Production:** This Resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Sections 5130.30 to 5713.37 of the Ohio Revised Code for real property and purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred and ten (17,060,710) British Thermal Units, five (5) megawatts, or both. As used in this section, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.
- (j) **Agritourism:** This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used in this section, “agritourism” has the same meaning as in Section 901.80 of the Ohio Revised Code.

1.06 **SEVERABILITY:** Should any provision, or the application of any provision, of this Resolution or amendment thereto be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the Resolution as a whole or any part thereof, except the part declared invalid.

1.07 **REPEALER:** All Township resolutions or part of resolutions in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

1.08 **EFFECTIVE DATE:** This Resolution and any amendment thereto shall take effect and be in full force and effect as set forth herein. 3/6/13

1.09 **SCHEDULE OF FEES, CHARGES, AND EXPENSES; AND COLLECTION PROCEDURE**

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and township Fiscal Officer, and may be altered or amended only by resolution of the Board of Township Trustees. Each application for a zoning certificate, amendment, or conditional zoning certificate and notice of appeal shall be accompanied by the fee so established.

1.10 COMPUTATION OF TIME

When a public office in which an act, required by law, is to be performed is closed to the public for the entire day, which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not Saturday, Sunday or a legal holiday as defined in Ohio Revised Code Section 1.14.

“Legal holiday” as used in this section means the days as set forth in Ohio Revised Code Section 1.14. If any day, designated in Ohio Revised Code Section 1.14 as a legal holiday, falls on a Sunday, then the next succeeding day is a legal holiday.

If the number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day, in the concluding month, as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of the month.

1.11 IRRECONCILABLE AMENDMENTS

If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that the effect may be given to each. If the amendments are substantively irreconcilable, the latest date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

1.12 CONTINUATION OF PRIOR AMENDMENT

A provision or regulation which is reenacted, or amendment, is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

1.13 EFFECT OF AMENDMENT

The amendment of this Resolution does not:

- A. Affect the prior operation of this Resolution or any prior action taken thereunder.
- B. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.
- C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto prior to the amendment or repeal.
- D. Affect any investigation, proceeding, or remedy in respect to any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced and the penalty, forfeiture, or punishment imposed, as if the Resolution had not been amended.

ARTICLE 2

DEFINITIONS

- 2.01 General.
 - 2.02 Definitions.
-

2.01 GENERAL: The following rules of interpretation and common terms shall apply:

(a) **Rules of Interpretation:**

- (1) The particular shall control the general.
- (2) The present and future tenses, and the singular and plural, shall be interchangeable unless the context implies the contrary.
- (3) The word “shall” is mandatory and the word “may” is permissive.
- (4) The word “applicant” means the legal owner or lessee of a lot or lots included in an application under this Resolution.
- (5) The words “use” and “occupies” include “intended, designed, arranged or maintained to be used or occupied”.
- (6) The words “development”, “lot”, “structure” and “use” include “or part thereof”, unless the context implies the contrary.
- (7) Words and phrases not defined specifically in this Resolution shall have their usual and customary meaning.
- (8) Required dimensions or quantities shall not be reduced or increased by more than one half of the smallest whole number, fraction, ratio or decimal given unless the context implies the contrary.

(b) **Common Terms:**

- (1) **Board:** The Board of Zoning Appeals of the Township.
- (2) **Commission:** The Zoning Commission of the Township.
- (3) **County:** Geauga County, Ohio.
- (4) **District Schedule:** The District Schedule of this Resolution.

- (5) **Highway Director:** The Director of Ohio Department of Transportation.
- (6) **Resolution:** This Resolution.
- (7) **Township:** Auburn Township, Geauga County, Ohio.
- (8) **Trustees:** The Board of Trustees of the Township.
- (9) **Zoning Inspector:** The Zoning Inspector of the Township.
- (10) **Zoning Map:** The Zoning Map of this Resolution.

2.02 DEFINITIONS:

A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound-level meter using the A-weighting network. The level so read is designated as dB(A) or dBA. 11/19/13

ACCESSORY BUILDING, STRUCTURE, OR USE: A subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use. 6/6/07

ADULT FAMILY HOME: A residence or facility that provides accommodations to three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults and complies with the Ohio Revised Code. 3/11/08

ADULT GROUP HOME: A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults and complies with the Ohio Revised Code. 3/11/08

AGRICULTURE: Includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. 6/6/07

AGRITOURISM: As defined in O.R.C. Section 901.80 (a)(2), means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. 8/15/18

ANTENNA: Any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower.

AUTO REPAIR GARAGE: A building or part of a building that is used for the major repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles. The sales of fuels are prohibited.
6/6/07

AUTOMOBILE SALES: The use of any building, land area or other premise for the display and sale, lease or rental of new or used automobiles and which may include the display and sale, lease or rental of new or used motorcycles, light trucks and vans, trailers or recreation vehicles that are to be used primarily for personal needs.

AUTO SERVICE STATION: An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant. These establishments may include the routine maintenance and service of vehicles except that major repairs as described in AUTO REPAIR GARAGE shall not be permitted. Such an establishment may include space/floor area for the sale of other retail products. 6/6/07

BASEMENT: A portion of a building or structure with at least one-half of its floor to ceiling height below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a building or structure. 6/6/07

BED-AND-BREAKFAST: A private, owner-occupied residence where guest bedrooms are offered for compensation by the day, week or month, for lodging, or meals and lodging, and in which no cooking or similar housekeeping equipment is provided for guest use. (Effective 5/19/04)

BUILDING: A temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. 6/6/07

BUILDING, DETACHED: A building surrounded on all sides by open space and separated from other buildings.

BUILDING, ENCLOSED: A building enclosed by a permanent roof and external or party walls.

BUILDING OR STRUCTURE, NONCONFORMING: A building or structure which was lawfully in existence at the effective date of this Resolution or amendment thereto that does not conform to the area, square footage, yard, height, or other applicable regulations for the zoning district in which it is located. 3/6/13

BUILDING, PRINCIPAL OR MAIN: A building within which the primary permitted or conditional use is conducted on a lot. 6/6/07

BUILDING FLOOR AREA: The sum of the floor areas of a building measured horizontally from the outside faces of their external walls or the centerline of party walls, unless otherwise provided for in this Resolution.

BUILDING HEIGHT: The longest vertical distance through a building measured perpendicular from its average finished grade to the top of the highest coping or ridge. Building height limitations shall not apply to chimneys, church spires, flag poles, grain elevators, heating and air conditioning equipment, radio and television antennae, silos, transmission lines and towers or water tanks.

BUILDING LINES: The lines on a building, parallel to its lot lines, which define its yards. See Appendix A.

BUSINESSES, GENERAL: One or more of the following uses, with or without a dwelling unit unless otherwise provided for in the Resolution: (7/21/10)

- a. Drug stores and the retail sales of products such as apparel, new automotive parts, beverages, books, flowers, food, gifts, hardware, household appliances and furnishings, jewelry, liquor, pets and sporting goods.
- b. Services such as apparel cleaning and repair outlets, banks, barber and beauty shops, eating and drinking places, and insurance, professional and real estate offices.
- c. Animal hospitals, veterinary clinics and offices.

CAR WASH: An enclosed building equipped for washing cars and other motor vehicles.
3/11/08

CEMETERY: Land used or intended to be used for the burial of the human dead. 6/6/07

CHILD DAY CARE FACILITY: A facility licensed by the State of Ohio pursuant to Chapter 5104 of the Ohio Revised Code for the day care of children.

CHURCH: A building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations. 6/6/07

COLOCATION: Locating wireless telecommunications antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site.

CONDITIONAL ZONING CERTIFICATE: A certificate issued by the zoning inspector upon approval by the township board of zoning appeals for a conditional use. 6/6/07

COURT: Any open space bounded on two or more sides by one or more main buildings on the same lot.

CUL-DE-SAC: A road, one end of which connects with another road, and the other end of which terminates in a permanent vehicular turnaround. 11/19/13

DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or on to building or structure. (1/5/05)

DECIBEL (dB): A unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter). 11/19/13

DECK: A structure with or without a roof that is attached to a building or is freestanding and is supported by posts. 6/6/07

DENSITY: A unit of measurement representing the number of buildings, structures or dwelling units per acre of land.

DESIGNATED WATERCOURSE: A river or stream within the township that is in conformity with the criteria set forth in these regulations. (1/5/05)

DEVELOPMENT: Development includes the alteration, construction, enlargement, erection, location, movement or reconstruction of any structure; or the establishment or change of use or the drainage or existing grade of the land.

DISTRICT: A portion of the township shown on the zoning map within which zoning regulations apply as specified in this resolution.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include AUTO SERVICE STATION. 6/6/07

DRIVEWAY: A private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

DRY HYDRANT: A standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of firefighting equipment. (3/17/04)

DWELLING: Any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy. 6/6/07

DWELLING EARTH SHELTERED: A completed building or structure, containing a dwelling unit, designed to be built underground and not intended as the foundation, substructure, or basement for a subsequent dwelling. 6/6/07

DWELLING SINGLE FAMILY: A dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only. 8/15/18

DWELLING UNIT FLOOR AREA: The sum of the room areas of a dwelling unit measured from their inside walls, excluding basements, closets, foyers, garages, general storage rooms, halls, porches, stairways and utility rooms. Rooms above the first floor may be included, provided they are directly connected to a stairway or hall and have a minimum ceiling height of seven (7) feet over at least half the area of the room.

FAMILY: One (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses. 6/6/07

EASEMENT means the right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office. 8/20/14

FARM MARKETS: The sale of seasonal agricultural products primarily produced on the same lot.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program. (1/5/05)

FENCE: An artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation. 6/6/07

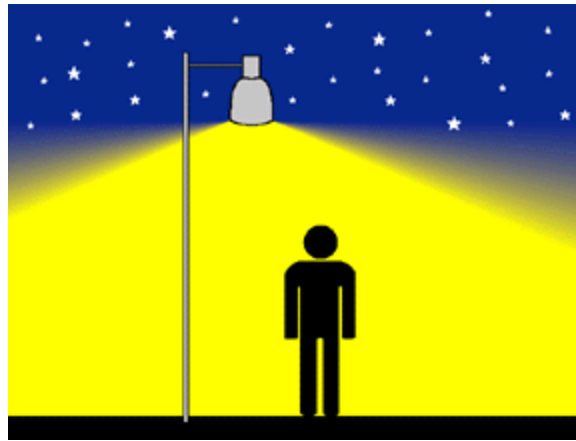
FINISHED GRADE LEVEL: The elevation of the finished grade of the ground adjacent to a building or structure. 6/6/07

FLOOR AREA: The sum of the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls. 6/6/07

FOOTCANDLE: The illumination of a surface one foot distant from a uniform point source of one candela equal to one lumen per square foot. (5/19/04)

FULL-SHIELDED OR FULL CUT-OFF TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

Full cut-off lighting



University of Texas, Austin

- Full cut-off lighting directs light down and to the sides as needed and provides more control of light.
- Reduces glare and provides more even illumination.
- Reduces light trespass onto neighboring properties.
- Helps preserve the dark night sky.

GARAGE: A building designed and used for the storage of motor vehicles. 6/6/07

GLARE: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. 6/6/07

GLARE, DIRECT: The glare resulting from the human eye being able to see the light-emitting portion of a light fixture. 6/6/07

GOLF COURSE - Any privately, or publicly owned facility consisting of at least nine (9) golf holes of conventional design and distance. Golf course may include a clubhouse (kitchens, dining areas, game rooms, bar, grill, locker rooms, baths, fitness center), swimming pools, tennis or paddleball courts and a party center. (7/21/10)

GRADES: The elevation of the surface of the ground prior to development shall be the existing grade, and the elevation after development and normal settling shall be the finished grade.

GUEST: The patron of a restaurant, hotel, boarding house or the like. (5/19/04)

HOME OCCUPATIONS: Occupations, businesses or professions conducted wholly within a dwelling unit by members of the family residing therein.

HOSPITAL: A facility providing primary health care services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions by licensed physicians and other medical staff. 6/6/07

HOTEL OR MOTEL: A building in which temporary lodging is provided and offered to the public for compensation. 6/6/07

ILLUMINANCE: The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.

IMPERVIOUS COVER: Any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools. (11/17/04)

IMPERVIOUS SURFACE: A surface comprised of a material or combination of materials that repels water and prevents precipitation and melt water from infiltrating soils. These are mainly surfaces constructed of impenetrable materials (e.g. asphalt, concrete, roofing materials, stone, gravel, brick, etc.) 6/6/07

IMPROVEMENTS, PRIVATE: The development of drainage and grading, driveways, lakes and ponds, paving, fences and landscaping, sewer and water facilities and other structures and uses on a lot.

IMPROVEMENTS, PUBLIC: The development of sewer and water facilities, roads, storm drainage, utilities and other structures and uses on public sites, or in rights-of-way or permanent easements. 11/19/13

INDUSTRIALIZED UNIT: A structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). 3/11/08

INDUSTRIES, GENERAL: One or more of the following uses within fully enclosed buildings unless otherwise provided for in the Resolution. (9/6/01)

- a. Businesses engaged in the distribution, packaging or wholesaling of new products, commercial greenhouses, dry cleaning and laundry plants and suppliers, metal work and welding, photographic processing, printing and publishing.
- b. Assembly of products made from previously processed materials including animal products, fibers, glass, metal, paper, plastics, rubber, textiles and wood. 9/6/01
- c. Manufacturing of products including building materials, electrical equipment and supplies, household appliances and furnishings, instruments, jewelry, medical products, novelties, office equipment and supplies, photographic products, pottery,

signs, small machinery and automotive parts, sporting goods, stone monuments and toys. 9/6/01

- d. Processing of products including cosmetics, drugs, food, non-alcoholic beverages, pharmaceuticals and toiletries. 9/6/01

INDUSTRIES, LIGHT: Manufacturing or other industrial uses which are controlled operations and relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust. All such uses shall operate entirely within fully enclosed buildings. 3/6/13

KENNEL: Any building, structure or land where dogs or other domesticated pets are boarded, cared for, bred or kept for remuneration. 6/6/07

LAKE: A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout and having an area of five (5) acres or more. (3/17/04)

LAND DEVELOPMENT ACTIVITY: Any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover. (11/17/04)

LANDSCAPING: Landscaping includes plantings such as grass, hedges, and trees, and structures such as flag poles, outdoor fireplaces, and ornamental fences.

LIGHT TRESPASS: Light (emitted by a lighting fixture) that falls outside the boundaries of the property on which the fixture is installed, where it is neither wanted nor needed.

LOADING/UNLOADING SPACE: Space provided for pick-ups and deliveries for commercial and industrial uses. 6/6/07

LOT: A parcel of land, which shall be a lot of record. Lot types are shown in Appendix A of this Resolution. 6/6/07

LOT AREA: The total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road. 6/6/07

LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. 6/6/07

LOT LINE: The boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads. 6/6/07

LOT LINE, FRONT (FRONTAGE): The boundary of a lot which abuts a public or private road. 6/6/07

LOT LINE, REAR: The boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line. 6/6/07

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line nor is a rear lot line. 6/6/07

LOT OF RECORD: A parcel of land listed as a separate unit on the county auditor's tax list, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a separate lot described by metes and bounds on a deed or instrument of conveyance recorded in the office of the county recorder.

LOT WIDTH: The shortest distance that occurs between the side lot lines of a lot measured continuously anywhere between the front lot line and the actual building line.

MANUFACTURED HOME: A building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06 (C) (4). 3/11/08

MEDICAL CLINICS: An establishment where healthy, sick, ailing, infirm, or injured persons are admitted for wellness check-ups, examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel and where patients are not usually lodged overnight. 9/3/08

MEDICAL MARIJUANA: Marijuana as defined in O.R.C. Section 3796.01(A)(1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01(A)(2). 6/14/17

MINERALS: Substances or materials excavated from natural deposits in the earth (12/4/02).

MOBILE HOME: A building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.0 (O), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this Resolution. A building or non self-propelled vehicle is a mobile home whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided. 3/11/08

MONOPOLE: A structure composed of a single spire used to support communications equipment.

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. 11/19/13

NURSING HOME: A home as defined in R.C. Section 3721.01 and generally used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care. 6/6/07

OHIO ENVIRONMENTAL PROTECTION AGENCY: The governmental agency referred to herein as the Ohio EPA. (11/17/04)

ONE HUNDRED YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township. (1/5/05)

OPEN SPACE: All land other than rights-of-way which shall not be occupied by structures or uses except as otherwise provided in this Resolution. Open space also includes land set aside in a subdivision for common use by the residents therein, and controlled by a public entity, a private corporation or organization such as a Home Owners Association with restrictions, easements, covenants and other conditions running with the land. The allocation and development of common open space shall comply with the provisions of this Resolution; and the form of all related legal instruments shall be approved by the County Prosecuting Attorney prior to approval of the development. 6/6/07

ORDINARY HIGH WATER MARK: The point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse. 1/5/05

OUTDOOR DISPLAY: Open areas used to sell goods or services to the general public and shall be accessory to the principal permitted or conditional use on a lot. The goods or services shall be products which are customarily associated with the operation of the principal business located on the premises. 3/6/13

OUTDOOR STORAGE: An open area on a lot used for parking or storage of equipment, materials, machinery or vehicles for a period of 24 hours or more and shall be accessory to the principal permitted or conditional use on a lot. 6/6/07

PARKING AND LOADING FACILITIES: Off-street parking and loading spaces, parking garages and all related circulation areas and appurtenances for the temporary parking of vehicles generated by the use or uses on the same lot.

PARTY CENTER: A building, publicly or privately owned, designed and used for rental of space for private parties, such as weddings and banquets, and for other events, such as meetings, training and seminars. (2/25/09)

PERSONAL WIRELESS SERVICE FACILITY: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332-(c) (7).

PERVIOUS SURFACE: A surface comprised of a material or combination of materials that allows precipitation and melt water to eventually infiltrate into the surrounding soil. 6/6/07

PLAN, DEVELOPMENT: Drawing(s) and map(s) illustrating the proposed design, layout, and other features for the development of one or more lots.

PLAN, FINAL DEVELOPMENT: Drawings and maps including all the elements set forth in Section 8.05.

PLAN, GENERAL DEVELOPMENT: Drawings and maps including all the elements set forth in Section 8.04.

PLANNED BUSINESS DEVELOPMENT: Planned Business Development (PBD) is development in the form of a Planned Unit Development, which accommodates and encourages business uses that have been planned as a unified project. PBD allows for more flexible development on larger sites and results in commercial projects more in keeping with the Township's rural character. See also 4A.13. 7/31/02

PLAYGROUND: A recreation facility primarily for children under 15 which may include court and field games, fences, play apparatus, recreation structures, restrooms and signs.

POND: A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout and having an area of less than five (5) acres and greater than 300 square feet. (3/17/04)

DETENTION POND: Detention pond means a dry pond. Runoff enters an area of detention faster than it leaves. A detention pond can be designed with or without a permanent pool of water. 3/17/04

FIRE PROTECTION POND: A pond, retention pond, or lake with an installed dry hydrant built to the most current dated requirements of Natural Resources Conservation Service, Conservation Practice Standard 378 (POND) and Standard 432 (DRY HYDRANT). 3/17/04

RETENTION POND: Retention pond means a pond that has a permanent pool of water and may or may not have the capacity of detention or peak flow storage. (3/17/04)

PROFESSIONAL OFFICE: An office where licensed professional services are provided, such as medical, legal, dental, and accounting. 6/6/07

PUBLIC FACILITIES: Uses such as fire stations, libraries, meeting halls, recreation facilities, schools, and sewer and water facilities on public sites excluding rights-of-way.

PUBLIC UTILITY: Any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) Public Service and (B) Public Concern:

(A) Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

(B) Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

QUARRIES: Extraction by surface excavation methods of gravel, minerals, rock, sand, soil or stone for sale and disposition to another lot including all related equipment, excavations, machinery, improvements for ingress/egress, structures and vehicles. A quarry shall also be known as surface mining. Quarries do not include test or exploration boring or mining operations carried out beneath the surface of the earth by means of shafts, tunnels or similar mine openings. (12/4/02)

RADIO: The communication of impulses, sounds, and pictures through space by electromagnetic waves.

RECESSED CEILING FIXTURE: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling. 6/6/07

RECREATION FACILITIES: Public or private facilities designed and equipped for the conduct of indoor/outdoor sports and leisure-time activities, which are open to the public for a fee or at no cost. (2/25/09)

RECREATIONAL VEHICLE: A portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01. 3/11/08

RIGHT OF WAY: All land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress. A right-of-way may also include public improvements within its boundaries. 6/6/07

RIPARIAN AREA: Naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations. 1/5/05

RIPARIAN SETBACK: The real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations. 1/5/05

ROAD, PRIVATE: A recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot. 11/19/13

ROAD, PUBLIC: A road right-of-way dedicated for public use as defined in R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot. 11/19/13

SATELLITE DISH ANTENNA: An accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals from a transmitter or a transmitter relay located orbitally. This definition may include direct broadcast systems and television reception only systems.

SCHOOL: Any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction. 6/6/07

SELF-STORAGE FACILITIES: Storage units offered for rental on a monthly or yearly basis, where personal property is stored wholly inside a building and no other business activities are engaged in by the tenant other than loading or unloading of the property to be stored in the facility. 6/6/07

SETBACK: Minimum distances from a right-of-way or lot line that a building can be placed. 9/6/01

SIGNS: Any device, structure or part thereof used to advertise, announce, direct, or identify.

BILLBOARD: An outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit. A billboard is an “off-premises” sign.

BUSINESS: Business signs advertise or identify the main and/or accessory use on the same lot, or the goods or services produced or purveyed thereon. 7/21/10

DEVELOPMENT: Development signs identify the development of which they are a part, excluding business, directional and temporary signs.

DIRECTIONAL: Directional signs identify the direction and distance to a business or place not located on the same lot. 7/21/10

ELECTRONIC MESSAGE: A sign which displays only a text and/or numeric message utilizing internally illuminated components that enable the display to change periodically and is controlled by remote or automatic means. 8/20/14

EXEMPTED: Exempted signs include newspaper tubes, lawful mailboxes, road signs and public traffic devices. 11/19/13

FREESTANDING: Freestanding signs are supported by one or more upright poles, columns, or braces placed permanently in the ground and not attached to any building or structure.

GOVERNMENT: A sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.

GROUND OR PYLON: A freestanding sign supported by one (1) or more uprights, poles, or braces affixed to the ground or a permanent foundation and which is entirely independent of any building for support. 8/20/14

IDENTIFICATION: Identification signs identify only the use or uses on the same lot by name and address.

PORTABLE: Portable signs are not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic. Also included is any sign originally designed or manufactured as a portable and/or mobile sign. A zoning certificate shall be required for a portable sign and shall be valid for a time period of ten (10) consecutive days from the date of issuance. No more than four (4) such zoning certificates shall be issued to an applicant per calendar year for the same building, structure, use, or address.

PROHIBITIVE: Prohibitive signs contain short messages such as "No Hunting" or "No Trespassing".

TEMPORARY: Temporary signs announce a seasonal or brief activity such as a community event, a public election, or the sale or rental of property on the same lot.

SOIL AND WATER CONSERVATION DISTRICT (SWCD): The Geauga County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees. 11/17/04

SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution. 11/17/04

SOUND: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction on that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. 11/19/13

SOUND LEVEL: The weight sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B or C as specified in American National Standards Institute specifications for sound level meter Publication 51.4-1971, or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply. 11/19/13

SOUND-LEVEL METER: An instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type two or better as specified in American National Standards Institute Publication 51.4-1971 or the latest approved revision thereof. 11/19/13

SOUND PRESSURE LEVEL: Twenty times the logarithm of twenty micropascals ($20 \times 10^6 \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels. 11/19/13

STEALTH FACILITY: Any communications facility, which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

STRUCTURE: Anything constructed or erected that requires location on the ground or is attached to something having location on the ground. 6/6/07

STRUCTURE ALTERATION: Any change in the supporting members of a building or structure such as bearing walls, columns, beams, or girders. 6/6/07

SWIMMING POOL: A permanent open tank or other structure designed to contain a depth of at least three (3) feet of water at any point for the purpose of swimming or wading. 6/6/07

TELECOMMUNICATIONS: Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

TELECOMMUNICATIONS TOWER: Any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B) (a-e) and this Resolution.

TOT LOT: A recreation facility for pre-school children which may include fences, play apparatus, recreation structures, restrooms and signs.

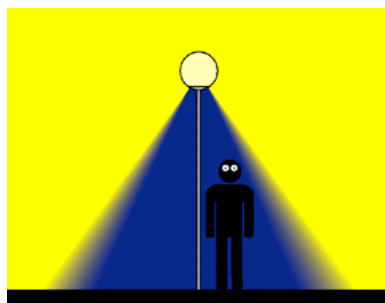
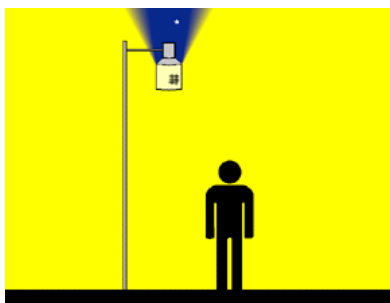
TOWER: A structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.

TRACTOR-TRAILER: A tractor-trailer (colloquially known as an 18-wheeler, semi, semi trailer or big rig) is an articulated truck consisting of a towing engine and a trailer that carries the freight. 3/11/08

UNLICENSED WIRELESS SERVICE: The offering of telecommunications services using duly authorized devices, which do not require individual licenses, but does not mean the provision of direct to home satellite services.

UPLIGHTING: Any light source that distributes illumination above a 90-degree horizontal plane.

Uplighting



- Uplighting wastes energy into the sky.
- Causes glare, light trespass and harsh illumination.
- Uplighting is sometimes ineffective.

University of Texas, Austin

USE: Any purpose for which a structure or the land is developed or occupied including any activity, business or operation within a structure or on the land.

USE, CONDITIONAL: A use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional use certificate. 6/6/07

USE, NONCONFORMING: The use of a building, structure or lot, which was lawfully in existence at the effective date of this Resolution or amendment thereto and which does not conform to the use regulations for the zoning district in which it is located. 6/6/07

USE, PRINCIPAL OR MAIN: The principal use of a lot or structure.

VARIANCE: A modification or alteration of the regulations or strict terms of this Resolution by the Board of Zoning Appeals.

VARIANCE, AREA: Means a modification from the Zoning Resolution's requirements regarding, for example, lot area, lot width, front yard, side yard, rear yard, or percentage of lot coverage as a result of practical difficulties.

VARIANCE, USE: Means an alteration of the use of a lot as a result of unnecessary hardship.

VEHICLE: Anything that is or has been on wheels, runners or tracks. 6/6/07

VETERINARY HOSPITAL OR CLINIC: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic use.

WAREHOUSE: Premises designed and built for the purpose of storage of raw materials or finished or partly finished goods, pending either onward transit or division into smaller batches and subsequent distribution. 3/11/08

WASTE WATER TREATMENT PLANT (WWTP): A facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA. 1/5/05

WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing. 1/5/05

WETLAND: Those areas that are 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, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended). 1/5/05

Wetlands, Category 1: A low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Wetlands, Category 2: A medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Wetlands, Category 3: A high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

YARD: Any open space on a lot bounded by its main buildings and lot lines. Each lot shall have four (4) yards, unless the main buildings on adjoining lots are connected by a party wall. See Appendix A.

YARD DEPTHS: The horizontal distances measured, perpendicular from each lot line to the nearest building line on the same lot. Building features such as awnings, cornices, eaves, outdoor porches, signs and steps shall not project more than five (5) feet into any required yard which shall be determined by its respective yard depths. See Appendix A.

ZONING CERTIFICATE: A permit issued by the Zoning Inspector in accordance with the regulations specified in this Resolution. 8/15/18

ARTICLE 3

GENERAL PROVISIONS

3.01	Development Standards	3.05	Water Management & Sediment Control (WMSC) 11/17/04
3.02	Maintenance Standards	3.06	Establishment of Riparian Setback 1/5/05
3.03	Nonconforming Uses	3.07	Driveways 7/21/10
3.04	Reserved	3.08	Medical Marijuana 6/14/17

3.01 DEVELOPMENT STANDARDS: In addition to the other provisions of this Resolution, the following standards shall apply in all districts:

- (a) **Construction Standards:** All development defined in 2.02 of the Resolution shall comply with County and Ohio construction standards.
- (b) **Drainage and Grading:** No development which would change the existing drainage or grade of a lot shall be approved until adequate provisions are made to prevent standing water, erosion, or excessive run-off. The removal from a lot of soil, gravel, minerals, rock, sand or stone other than excess material resulting from approved development shall be prohibited unless conditionally approved. 8/15/18
- (c) **Driveways:** No lot shall have more than two (2) driveways unless otherwise shown on its approved Development Plan. See 6.01 (b). Driveways shall be spaced at least 50 feet apart, and be between 15 and 30 feet wide. Within 50 feet of a road right-of-way, each driveway's horizontal alignment shall be not less than 60 degrees; and its grade shall not exceed 10 degrees. All driveways, turnarounds, and parking areas for residential lots shall be set back a minimum of 15' from the lot line (see Appendix "G".) Driveways shall be constructed and maintained so as to be dust free and passable in all weather conditions. The design and construction of all public improvement crossings and driveway/road intersections shall be approved by the County Engineer. 11/19/13, 8/15/18
- (d) **Flood Prone Areas:** No development of any building, structure or use in any flood prone area shown on the latest version of the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps of the township shall be approved until adequate provisions are made for flood protection and prevention. Such provisions may include but are not limited to the location and elevation of buildings and structures and construction methods in accordance with the regulations adopted by the Geauga County Building Department. In addition, this development shall proceed in accordance with the Auburn Township Zoning Resolution.

- (e) **Lakes and Ponds:** All lakes and ponds shall be designed and built per the most current dated United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) standards, and the Ohio Revised Code Section 1521, Ohio Dam Safety Laws. Any pond or lake shall be a minimum of one hundred (100) feet from septic system lines, leach beds and duplication fields. Any pond or lake shall be located at least fifty (50) feet from any lot line.
- (f) **Paving:** All paved areas shall be graded and drained to allow for proper settling of base materials and surfaces, and to prevent standing water, erosion and excessive run-off.
- (g) **Fences and Landscaping:** All fences and landscaping including earthen mounds or berms shall be in no way hazardous to any traffic movement. Unless otherwise provided for in this Resolution, fences, walls, and earthen mounds or berms shall not exceed four (4) feet in height in any front yard or exceed six (6) feet in height in any side or rear yard. All areas between fences, walls, and earthen mounds or berms and their adjoining lot lines shall be landscaped with grass or shrubs and maintained by the owner of the lot. When required by this Resolution, the screening and landscaping of an area, lot or use shall be made apart of its approved Development Plan. See 6.01 (b). (5/19/04)
- (h) Deleted April 14, 2005.
- (i) **Public Improvements:** All existing and planned public improvements related to the development of any area, lot or use shall be made a part of its approved Development Plan. See 6.01 (b).
- (j) **Sewer and Water Facilities:** No development requiring sewer and water facilities shall be approved by the Zoning Inspector prior to their approval by the County Health Department.

3.02 MAINTENANCE STANDARDS: No land or structure shall be used in any way which is unhealthy, hazardous, noxious or otherwise injurious to public health, safety, comfort or general welfare. Accordingly, the following standards shall apply in all districts.

- (a) **General Standards:** In addition to the other provisions of this Resolution and other Township, County and Ohio regulations related to injurious effects such as unsafe structures, the storage of unlicensed vehicles, health hazards and water pollution, the following standards are hereby adopted.
 - (1) **Air Pollution:** No use shall pollute the air with flyash, dust, gases or vapors beyond its lot lines.
 - (2) **Erosion:** No erosion by wind or water on any lot which adversely affects the use or drainage of any other lot shall be permitted.

- (3) **Flammable and Explosive Materials:** The production, use or storage of flammable or explosive materials shall be prohibited, unless approved by the Township Fire Department and Ohio Fire Marshall
 - (4) **Light Trespass** – No use shall cause light trespass resulting in either glare or direct glare. 11/19/13
 - (5) **Noise:** No use shall emit noise which is objectionable due to volume, frequency or beat beyond its lot lines and as further regulated for business and industrial districts in Section 4A.12. Devices such as sirens used solely for public safety or emergency purposes are exempt from this standard. 7/19/17
 - (6) **Noxious Substances:** The storage of any substance producing odor or dust shall be located at least 50 feet from any lot line. 3/6/13
 - (7) **Radio and Electrical Disturbances:** No use shall emit radio or electrical disturbances beyond its lot lines.
 - (8) **Vibrations:** No use creating vibrations beyond its lot lines shall be permitted.
 - (9) **Building Materials:** Except for building materials including equipment, machinery and vehicles used directly in the development of a lot, such materials shall be stored only in enclosed buildings, unless otherwise specified on its approved Development Plan. See 6.01 (b).
 - (10) **Vehicles:** Unless otherwise provided for in this Resolution, vehicles such as automobiles, boats, campers and trucks shall be only parked in side and rear yards. Unlicensed or disabled motor vehicles shall be stored only in enclosed buildings on a lot, unless otherwise specified on its approved Development Plan. See 6.01 (b).
- (b) **Other Standards:** In addition to the preceding provisions, standards for the maintenance of accessory and conditional uses shall apply. See 5.02 and 5.03. 3/6/13

3.03 NONCONFORMING USES

- (a) **Nonconforming Use of Buildings and Land Not Affected By Zoning:** The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of the zoning resolution or amendment thereto, may be continued, although such use does not conform with the resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the zoning resolution or amendment thereto.
- (b) **Completion of Nonconforming Buildings or Structures:** The construction of any dwelling, building, or structure which commenced prior to enactment of the zoning resolution or amendment thereto, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with the zoning resolution or amendment thereto. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within one (1) year of enactment of the zoning resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in section 3.03 (a) herein. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.
- (c) **Restoration of Nonconforming Uses:** On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (d) **Destruction of a Building or Structure**
- (1) **Containing a Dwelling Unit:** A building containing a dwelling unit which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to, fire, snowfall and wind, or which is rendered uninhabitable as determined by the applicable authorities, including, but not limited to, building, health, sanitary and fire authorities, or which is rendered uninhabitable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed in accordance with the following requirements:
- (a) Reconstruction must be initiated within one (1) year of the date of the substantial destruction of such building or the date the building becomes uninhabitable as determined by applicable authorities.

- (b) The extent of nonconformance of the reconstructed building may not be increased in any manner, except with a variance.
- (c) A zoning certificate for the reconstruction of the building must be obtained. 8/15/18

The reconstructed building may be rebuilt in the same location as the original building. The reconstructed building may be smaller in size than the original building but not smaller than 1200 sq. ft. If the reconstructed building is smaller in area than the original building, then the new, smaller dimensions will control any future reconstruction. The expansion and/or enlargement of the building which increases or extends the nonconformity shall require an application for a variance.

A building containing a dwelling unit shall be considered to be “substantially destroyed” when such building requires repair or rebuilding, the costs of which are eighty percent (80%) or greater than the cost of replacing the entire such building, such repair and replacement costs to be based upon the average of two (2) estimates from independent contractors. The independent contractors must have been licensed and/or registered in Geauga County prior to the date of loss.

The location of a reconstructed building which does contain a dwelling unit shall comply with the front yard, rear yard and side yard requirements, if any, in effect at the time such building was originally constructed but without increasing the nonconformity thereof. If there were no standards in effect at the time the building was built, the location of a reconstructed building shall not be greater than the existing building foot print.

- (2) **Not Containing a Dwelling Unit:** A building or structure which does not contain a dwelling unit which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to fire, snowfall and wind, or which is rendered unusable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed only in accordance with this Resolution as in effect at the time of any such reconstruction. A building which does not contain a dwelling unit shall be considered to have been “substantially destroyed” when such building requires repair or rebuilding the costs of which are eighty percent (80%) or greater than the cost of replacing such entire building, such repair and replacement cost to be based upon the average of two (2) estimates from independent contractors. The independent contractors must have been licensed and/or registered in Geauga County prior to the date of loss.
- (3) Should a building or structure be moved for any reason for any distance, it

shall thereafter conform to the regulations for the district in which it is located after it is moved.

(e) **Extension of Nonconforming Uses:**

- (1) No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity, but any building, structure or portion thereof, may be altered, enlarged, or relocated to decrease its nonconformity.
- (2) No lawful nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of enactment of the zoning resolution or amendment thereto.
- (3) No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of enactment of the zoning resolution or amendment thereto.
- (4) No additional building or structure not conforming to the requirements of the zoning resolution or amendment thereto shall be erected in connection with such nonconforming use of land.
- (5) No existing building or structure devoted to a use not permitted herein in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (6) Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of enactment of the zoning resolution or amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- (7) Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(f) **Substitution of Nonconforming Uses:** A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, or in the number of persons using the property.

(g) **Nonconforming Lot of Record:** In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:

- (1) It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in nonconformity.
 - (2) It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
 - (3) The amount of nonconformity has not been increased since it became nonconforming.
 - (4) It was under separate and different ownership of record from that of adjoining land at the time of enactment of the zoning resolution or amendment thereto which resulted in its nonconformity, and provided further, that it did not come into common ownership of record with any adjoining land at any time thereafter.
 - (5) It complies with all other regulations set forth herein, except minimum lot area and minimum lot width.
- (h) **Nonconforming Subdivisions:** In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any subplot as shown on a final plat of a subdivision approved by the county planning commission pursuant to R.C. 711.10, with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:
- (1) The subplot was shown on a final plat of a subdivision which was approved by the county planning commission pursuant to R.C. 711.10 prior to the initiation of the zoning resolution or amendment thereto which resulted in its nonconformity.
 - (2) If required by the regulations adopted by the board of county commissioners pursuant to R.C. 711.101, a construction plan for the improvements to be constructed within the final plat showing the subplot was approved by the board of county commissioners prior to the initiation of the zoning resolution or amendment thereto which resulted in its nonconformity.

- (3) It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time of the initiation of the zoning resolution or amendment thereto which resulted in its nonconformity. Provided, however, that the following regulations shall apply to the Tabor Subdivision, recorded in Plat Book 3, Pages 7 and 8 of the Geauga County Plat Records: (ZC2002-04, effective 10/30/02)
- (a) Minimum lot area .30 (acres);
 - (b) Minimum lot width 95 feet;
 - (c) Minimum yard depth (feet):

Front	35
Side	10
Rear	5;
 - (d) Maximum lot coverage 10%
 - (e) See 4.03 (h) for maximum building heights
- (4) The amount of nonconformity has not been increased since it became nonconforming.
- (5) The subplot complies with all other regulations set forth herein, except minimum lot area and minimum lot width.
- (6) The subplot is shown on a plat which was recorded in the office of the county recorder within two (2) years after the initiation of the zoning resolution or amendment thereto which resulted in its nonconformity.
- (i) **Nonconforming Planned Unit Developments:** Within the former Planned Unit Development (PUD) District (as legally described in Exhibit 11 herein), a zoning certificate may be issued for a building, structure or use which meets all of the following: (7/31/02)
- (1) It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time of the effective date of the zoning resolution or amendment thereto which resulted in its nonconformity.
 - (2) The amount of nonconformity has not been increased since it became nonconforming.
 - (3) The building site was shown on a final development plan which was approved by Auburn Township in accordance with the regulations then in effect and prior to the effective date of the zoning resolution or amendment thereto which resulted in its nonconformity.

3.05 WATER MANAGEMENT AND SEDIMENT CONTROL (WMSC) (11/17/04)**(a) Purpose and Intent**

- (1) The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- (2) These regulations are intended to:
 - a. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
 - b. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- (3) These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

(b) Words and Terms Defined

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control Regulations. Said terms are adopted and made a part of these regulations as though fully rewritten herein.

(c) Requirements and Application Procedures

- (1) Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto. 8/15/18
- (2) WMSC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area.

- (3) The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.
- (4) If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
- (5) The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.
- (6) Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning inspector in accordance with these regulations. 8/15/18
- (7) Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Geauga SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate. 8/15/18
- (8) The zoning inspector has the authority to ensure erosion, sedimentation, and storm water management controls have been installed and maintained according to the approved plan.

(d) Compliance with State and Federal Regulations

- (1) Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail. 8/15/18

- (2) Soil-disturbing activities regulated under these regulations shall not begin until proof of compliance with all necessary state and federal permits as detailed below has been provided. These permits may include, but are not limited to, the following:
- a. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
 - b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice or a letter from a qualified professional who has surveyed the lot and explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.
 - c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under this regulation.
 - d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 1. A letter from a qualified professional who has surveyed the site and explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.

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2. A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
- e. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

3.06 ESTABLISHMENT OF RIPARIAN SETBACK (1/5/05)**(a) Purpose and Intent**

- (1) The specific purpose and intent of these regulations is to regulate buildings, structures, uses and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:
 - a. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
 - b. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
 - c. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
 - d. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
 - e. Provide designated watercourse habitats with shade and food.
 - f. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
 - g. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
 - h. Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public and safety within the affected watershed.
 - i. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.
- (2) These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses and related soil disturbing activities within a riparian setback along designated watercourses in Auburn Township. Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this Resolution in the consideration of an appeal for a variance by the Board of Zoning Appeals.

(b) Applicability

- (1) These regulations shall apply to all zoning districts.
- (2) The regulations set forth herein shall apply to all buildings, structures, uses and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.
- (3) The use of any building, structure or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Section 3.03 Nonconforming Uses.
- (4) The repair, maintenance, extension, replacement, restoration, reconstruction or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Section 3.03 Nonconforming Uses.
- (5) No zoning certificate or conditional zoning certificate shall be issued for any building, structure or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.
- (6) These regulations shall apply when a riparian setback, as set forth in these regulations, is proposed to be impacted.

(c) Establishment of Designated Watercourses and Riparian Setbacks

- (1) A designated watercourse shall include one or more of the following criteria.
 - a. All watercourses draining an area equal to or greater than one-half (0.5) square mile, or
 - b. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Zoning Inspector may consult with representatives of the Geauga SWCD or other technical experts.
- (2) Riparian setbacks on designated watercourses shall be established as follows.
 - a. A minimum of 120 feet on each side of all designated watercourses draining an area equal to or greater than to 20 square miles.
 - b. A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to 20 square miles.
 - c. A minimum of 25 feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in these regulations.
- (3) The following regulations shall apply to riparian setbacks.

- a. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse.
- b. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.
- c. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard boundary map(s) for the affected area provided by FEMA.
- d. Where a wetland is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category. Wetlands shall be delineated through a site survey prepared by a qualified wetland professional retained by the lot owner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.
 1. An additional setback of 50 feet extending beyond the outermost boundary of a category 3 wetlands.
 2. An additional setback of 30 feet extending beyond the outermost boundary of a category 2 wetlands.
 3. No additional setback shall be required beyond the outermost boundary of a category 1 wetlands.

(d) Riparian Setback Map

- (1) The Riparian Setback Map is attached hereto and made a part of this regulation. The map is identified as Appendix "E". The riparian setback map may be utilized as a reference document by the Zoning Inspector and the Board of Zoning Appeals in determining when the riparian setback applies.
- (2) Nothing herein shall prevent the township from amending the riparian setback map from time to time as may be necessary.
- (3) If any discrepancy is found between the riparian setback map and these regulations or if any discrepancy is found between existing site conditions and these regulations, the criteria set forth in Section (c) shall prevail.

(e) Applications and Site Plan

- (1) The owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on a site plan submitted to the Zoning Inspector. The site plan shall be prepared by a professional engineer, surveyor, soils scientist, landscape architect or such other qualified professional and shall be based upon a survey of the affected lot. Two (2) copies of the site plan shall be submitted. In addition to the requirements set forth in this Resolution for a zoning certificate or a conditional zoning certificate, the owner shall provide the following information to the Zoning Inspector.
 - a. A site plan depicting, at a minimum, the following:
 1. The boundaries of the lot with dimensions.
 2. The location of all designated watercourses.
 3. The limits, with dimensions, of the riparian setback.
 4. The existing topography at intervals of two feet.
 5. The location and dimensions of any existing and proposed buildings, structures and uses in relationship to all designated watercourses.
 6. The description and location, with dimensions plus a calculation of the total area, of all land development activities, soil disturbance, and impervious cover.
 7. The description and depiction of all erosion and sedimentation controls plus all storm water management controls, including all temporary and permanent best management practices.
 8. If the lot included in the site plan is a part of a platted and recorded subdivision, the riparian setback shall be as shown on said plat.
 9. North arrow, scale, date, and stamp bearing the name and registration number of the professional consultant who prepared the plan shall be provided.
 - b. Such other supplementary information as may be necessary for the Zoning Inspector or the Board of Zoning Appeals to ensure compliance with the provisions of these regulations.
- (2) The Zoning Inspector, may, in reviewing the site plan, consult with the Geauga SWCD or such other expert(s) retained by the Board of Township Trustees.
- (3) If land development or soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil

disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities. No zoning certificate or conditional zoning certificate shall be issued until the riparian setback delineation has been completed on the lot in accordance with the approved site plan.

(f) Permitted Buildings, Structures and Uses within a Riparian Setback without a Zoning Certificate

Only the following buildings, structures, uses and related soil disturbing activities may be permitted within a riparian setback without a zoning certificate:

- (1). Recreational Activities: Fishing, hunting, picnicking, picnic tables, picnic shelters, and wildlife observation areas; trails, walkways, and paths for nonmotorized vehicles constructed of pervious materials.
- (2). Removal of Damaged or Diseased Trees: Damaged or diseased trees and other associated debris may be removed.
- (3). Maintenance and Repairs: Maintenance and repair on lawfully existing buildings, structures, and uses, roads, driveways, bridges, culverts, trails, walkways, paths, wastewater treatment plants and appurtenances, water wells, water treatment plants and appurtenances, storm sewers, and on-site sewage systems.
- (4). Maintenance and Cultivation of Lawns and Landscaping: The maintenance of existing and the cultivation of new, lawns, landscaping, shrubbery, and trees.
- (5). Water Supply Wells: Water supply wells subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.
- (6). Open Space: Passive open space to preserve the riparian setback area in its natural state.
- (7). On-site Sewage Systems and Waste Water Treatment Plants: On-site sewage systems or waste water treatment plants subject to the regulations enforced by the Geauga County General Health District or the Ohio EPA.

(g) Permitted Buildings, Structures and Uses within a Riparian Setback with a Zoning Certificate

Only the following buildings, structures, uses and related soil disturbing activities may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this Zoning Resolution:

- (1). Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television or other digital transmission), or other

means may be permitted, subject to the other regulations contained in this Resolution and the regulations enforced by the Geauga SWCD and the Geauga County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:

- a. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
- b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or
- c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(2) Streambank Stabilization Projects: Streambank stabilization projects along designated watercourses, subject to other regulations contained in this Resolution and the regulations enforced by the Geauga SWCD. If streambank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall be provided to the Zoning Inspector. Proof of compliance shall be the following:

- a. A site plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit 13, or
- b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or
- c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(3) Storm Water Retention and Detention Facilities: Storm water retention and detention facilities, provided:

- a. Storm water quality treatment consistent with current Ohio EPA and Geauga County SWCD regulations is incorporated into the basin.

- b. Storm water retention and detention facilities are located at least 50 feet from the ordinary high water mark of the designated watercourse.

- (4) Signs: Signs in accordance with this Zoning Resolution.

(h) Conditional Buildings, Structures and Uses within a Riparian Setback with a Conditional Zoning Certificate

The following conditional buildings, structures, uses and related soil disturbing activities may be allowed within a riparian setback, subject to the approval of an application for a conditional zoning certificate by the Board of Zoning Appeals in accordance with the conditions herein and such other applicable regulations set forth in this Zoning Resolution.

- (1) Boat Ramps, Decks, and Docks: Boat ramps, decks and docks. Proof of compliance with the applicable regulations of the U.S. Army Corps of Engineers and the Geauga SWCD shall be provided.

(i) Buildings, Structures and Uses Prohibited within a Riparian Setback

Any building, structure, use, or related soil disturbing activity not permitted under this regulation shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited.

- (1) Construction: There shall be no buildings, structures, uses or related soil disturbing activities of any kind except as permitted under these regulations.
- (2) Dredging or Dumping: There shall be no drilling, filling, dredging or dumping of soil, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials as permitted under these regulations.
- (3) Fences and Walls: There shall be no fences or walls.
- (4) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities.
- (5) Roads and Driveways: There shall be no roads, driveways, or related soil disturbing activities except as permitted under these regulations.

(j) Inspection of Riparian Setbacks

The Zoning Inspector shall inspect the delineation of riparian setbacks.

- (1) The owner shall notify the Zoning Inspector at least 5 working days prior to the initiation of any construction, land development or soil disturbing activities on a lot.
- (2) The Zoning Inspector, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

3.07 DRIVEWAYS (7/21/10): Driveways shall be located a minimum of 200 feet from any road intersection, except in R-1 and R-2 Districts. In cases where the lot frontage is prohibitive of compliance, then the driveway shall be located the maximum distance possible from any road intersection.

3.08 MEDICAL MARIJUANA PROHIBITION: In all zoning districts medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21. 6/14/17

ARTICLE 4A

BUSINESS AND INDUSTRIAL DISTRICT REGULATIONS

4A.01 Intent	4A.09 Off-Street Parking Requirements
4A.02 Districts Established	4A.10 Landscaping and Screening Requirements
4A.03 Zoning Map & District Boundaries	4A.11 Outdoor Lighting Regulations
4A.04 Use Regulations	4A.12 Noise Regulations
4A.05 Schedule of Uses	4A.13 Supplemental Regulations for Specific Uses
4A.06 Lot Requirements	4A.14 Application of District Regulations
4A.07 Building Setback Requirements	
4A.08 Height Regulations	

4A.01 INTENT: The business and industrial districts (B-1, B-1A, B-2, B-3, B-4 and I-1) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To promote and protect the public health and safety of Auburn Township property owners and residents.
- (b) To establish development standards in the commercial districts that effectively manage current and future development to maintain an acceptable balance between commercial development and the surrounding rural and residential areas.
- (c) To allow for a variety of uses in the Township's commercial districts, which allow for more flexibility in site development and also promote the preservation of the Township's rural character.
- (d) To allow and encourage opportunities for economic development within the Township while conserving and enhancing its rural and historic character.

4A.02 DISTRICTS ESTABLISHED: The Township is hereby divided into the following business and industrial districts:

- (a) **B-1 Districts:** B-1, General Business Districts are established to provide for a variety of business, office, and residential areas which are in keeping with the needs of the Township and its trade area. B-1 Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (9/6/01)

- (b) **B-1A Districts:** B-1A, Auburn Corners Retail Business Districts are established to provide for a variety of business, office, and residential areas in the Auburn Corners area which are in keeping with the needs of the Township and its trade area. B-1A Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (9/6/01)
- (c) **B-2 Districts:** B-2, "Village" Retail Districts are established to encourage a variety of retail and office uses in a compact, yet cohesive, "village center" environment in the Auburn Corners area that serves as the historic core for surrounding commercial areas. B-2 Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (12/31/03)
- (d) **B-3 Districts:** B-3, Retail/Motorist Service Districts are established to provide for highway-oriented businesses and services. B-3 Districts shall be located in close proximity to the interchange areas of limited access highways, and designed as buffers between such areas and other developments. B-3 Districts shall be located to afford safe and convenient accessibility. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (12/31/03)
- (e) **B-4 Districts:** B-4, Office/Light Industrial Districts are established to provide for a variety of office and light industrial uses which are in keeping with the business and employment needs of the Township and its trade area. Planned B-4 Districts shall be located to afford safe and convenient accessibility, and the configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution.
- (f) **I-1 Districts:** I-1, General Industrial Districts are established to provide for industrial areas with a variety of business and manufacturing uses which are in keeping with the business and employment needs of the Township and its trade area. I-1 Districts shall be located to encourage the separation of residential and non-residential traffic. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. (9/6/01)

4A.03 ZONING MAP & DISTRICT BOUNDARIES: Districts and their boundaries are shown on the Zoning Map (see Appendix B of this Resolution) and are included in the legal descriptions set forth in Exhibits 1 through 20. Appendix B and said Exhibits shall be a part of this Resolution. The official Zoning Map shall be located in the office of the Fiscal Officer, who shall be responsible for its custody and safe-keeping and shall not be removed therefrom except by Township officials for the purpose of conducting Township business. The official Zoning Map shall be identified by the original signature of the Township Trustees and attested to by the Fiscal Officer together with the date of its adoption and effective date.

The area enclosed by a district boundary shall be in the district designated therein on the Zoning Map. Where uncertainty occurs as to the precise location of a boundary, the following shall apply:

- (a) **Rights-of-Way:** Where a district boundary appears within a right-of-way, its centerline shall be the boundary. Should a right-of way be vacated, the abutting district shall be extended to its centerline.
- (b) **Lot Lines:** Where a district boundary appears to follow a lot line, this line shall be the boundary.
- (c) **Interpretation:** Should the Zoning Inspector be unable to determine the location of a district boundary according to (a) or (b) above, its location shall be determined by the Zoning Board of Appeals.

4A.04 USE REGULATIONS: Lots, buildings and structures shall be used in compliance with the regulations contained within Article 4A, and only for the uses contained herein.

- (a) **Uses Permitted by Right:** A use listed in Schedule 4A.05 shall be permitted as a principal, or main, use in a district when denoted by the letter "P", provided that all requirements of this Zoning Resolution and other Township resolutions have been met.
- (b) **Conditional Uses:** A use listed in Schedule 4A.05 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that all applicable requirements of this Resolution have been met. See also Section 5.03 and Article 6.
- (c) **Accessory Uses:** Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. See also Section 5.02.
- (d) **Prohibited Uses:** See 5.05(a). 6/2021
- (e) **Minimum Lot Requirements:** The minimum lot requirements for uses in the commercial and industrial districts are specified in Schedule 4A.06.
- (f) **Required Parking Spaces:** Depending on its use, each lot shall have at least the required parking spaces specified in Schedule 4A.09(c).
- (g) **Maximum Total Sign Areas:** Depending on its use, the total area of all signs on a lot exclusive of billboards, shall not be greater than that specified in Section 5.02(i).
8/15/18
- (h) **Height Regulations:** See Schedule 4A.08.

4A.05 SCHEDULE OF USES:

Schedule 4A.05: Schedule of Uses

LAND USE CATEGORY	B-1 General Business District (1)	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(a) Residential						
(1) Dwelling Unit (as part of a business)	P	C	C	N/P	N/P	N/P
(2) Reserved 6/6/07						
(3) Nursing Homes and Residential care facilities	N/P	N/P	N/P	N/P	C	N/P
(b) Offices						
(1) Medical clinics	P	P	P	P	P	N/P
(2) Reserved 6/6/07						
(3) Professional, administrative, executive, real estate and professional	P	P	P	P	P	P
(4) Reserved (6/2021)						
(c) Retail/Services						
(1) Retail in completely enclosed buildings	P	P	P	P	C ⁽³⁾	C ⁽³⁾
(2) Reserved (6/2021)						
(3) Animal hospital, Veterinary clinic and offices	P	P	P	P	P	P
(4) Reserved (6/2021)						
(5) Bank, financial institution	P	P	P	P	P	N/P
(6) Drive-thru facilities in association with a principal use	P	P	P	P	P	C
(7) Funeral Home	P	P	N/P	N/P	P	N/P
(8) Reserved (3/6/13)						
(9) Reserved (6/2021)						
(10) Restaurants	P	P	P	P	P	C
(11) General Businesses (4)	P	P	P	P	C	C
(12) Reserved 6/6/07						
(13) Child Day Care Facility	C	C	N/P	C	C	C

LAND USE CATEGORY	B-1 General Business District (1)	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(d) Lodging Establishments						
(1) Bed-and-Breakfast	N/P	C	C (7/21/10)	N/P	N/P	N/P
(2) Hotel, motel	N/P	N/P	N/P	P	P	N/P
(e) Automotive Uses						
(1) Auto repair garage	C	C	N/P	C	C	C
(2) Auto service station	C	C	C	C	C	C
(3) Automobile sales	C	C	N/P	N/P	N/P	N/P
(4) Car wash	C	C	N/P	C	C	C
(5) Reserved						
(6) Tractor-trailer services – repair, overnight parking, fuel sales (3/11/08)	N/P	N/P	N/P	N/P	N/P	P
(f) Community Facility						
(1) Party Center (2/25/09)	C	C	C	N/P	C	N/P
(2) Private Recreation Facilities	C	C	N/P	N/P	C	C
(3) Public Facilities	P	P	P	P	P	P
(4) Hospitals	C	C	N/P	N/P	C	N/P
(5) Schools, private	C	C	C	N/P	C	C
(6) Schools, public	P	P	P	N/P	P	P
(g) Industry						
(1) General industries	N/P	N/P	N/P	N/P	P	P
(2) Light industries (in completely enclosed buildings)	N/P	N/P	N/P	N/P	P	P
(3) Warehouses	N/P	N/P	N/P	N/P	P	P
(4) Self-Storage Facilities	C	N/P	N/P	N/P	C	C
(5) Sexually Oriented Businesses	N/P	N/P	N/P	N/P	N/P	C
(h) Billboards						
(1) Billboards	C	C	C	C	C	C

LAND USE CATEGORY	B-1 General Business District (1)	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
P = Permitted Use C = Conditional Use N/P=Not Permitted (1) R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14 (2) <i>Reserved</i> (3) Limited to if it is manufactured on site. (4) In completely enclosed buildings (see General Business definition)						

4A.06 LOT REQUIREMENTS: The minimum lot requirements for uses in the commercial and industrial districts are specified in Schedule 4A.06.

Schedule 4A.06: Lot Requirements

	B-1 General Business District (4)	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(a) Minimum Lot Area						
All uses except as noted below	1.5 acres ⁽¹⁾	2 acres	none	2 acres	2 acres	1.5 acres ⁽¹⁾
(1) Reserved (6/2021)						
(2) Nursing Homes and Residential care facilities	N/P	N/P	N/P	N/P	3 acres	N/P
(3) Hospital	3 acres	3 acres	N/P	N/P	3 acres	N/P
(b) Minimum Lot Width						
All uses except as noted below	150 feet ⁽³⁾	175 feet ⁽³⁾	none	175 feet ⁽³⁾	175 feet ⁽³⁾	150 feet ⁽³⁾
(1) Reserved (6/2021)						
(2) Nursing Homes and Residential care facilities	N/P	N/P	N/P	N/P	200 feet	N/P
(3) Hospital	200 feet	200 feet	N/P	N/P	200 feet	N/P
(c) Maximum Lot Coverage						
(1) Buildings Only	30%	30%	none	30%	30%	30%
(2) Buildings and Parking All uses	none	40%	80%	40%	40%	none
N/P Not a permitted use in this district. (1) Corner lots shall have a minimum lot area of 2.0 acres. (2) Reserved (3) Corner lots shall have a minimum lot width of 200 feet. (4) R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14 (5) Reserved						

4A.07 BUILDING SETBACK REQUIREMENTS: Every principle and accessory building shall be located on a lot in compliance with the setback requirements set forth in Schedule 4A.07.

Schedule 4A.07: Building Setback Requirements

	B-1 General Business District ⁽⁶⁾	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(a) Front Yard						
(1) Minimum setback	75 feet	75 feet	40 feet	125 feet	125 feet	75 feet
(b) Side Yards						
(1) Adjoining a Residential District (minimum setback)	50 feet ⁽⁵⁾	100 feet	100 feet	100 feet	100 feet ⁽³⁾	50 feet
(2) Adjoining a Non- Residential District (minimum setback)	30 feet ⁽⁴⁾⁽⁵⁾	30 feet	10 feet	30 feet	30 feet	30 feet
(c) Rear Yards						
(1) Adjoining a Residential District (minimum setback)	100 feet ⁽⁵⁾	100 feet	100 feet	100 feet	100feet ⁽³⁾	100 feet
(2) Adjoining a Non- Residential District (minimum setback)	50 feet ⁽⁵⁾	30 feet	10 feet	30 feet	30 feet	50 feet
⁽⁴⁾ Deleted effective 12/31/03. ⁽²⁾ Deleted effective 6/06/07 ⁽³⁾ Deleted effective 6/2021 ⁽⁴⁾ Unless the main buildings on adjoining lots are connected by a party wall. ⁽⁵⁾ See also 5.03(d)(1) and 5.03(e)(1). ⁽⁶⁾ R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14 ⁽⁷⁾ Deleted effective 6/2021						

4A.08 HEIGHT REGULATIONS: No building in a business or industrial district shall exceed the following heights:

Schedule 4A.08: Height Regulations

	B-1 General Business District ⁽¹⁾	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(a) Principal Building	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
(b) Accessory Building	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
⁽¹⁾ R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14						

4A.09 OFF-STREET PARKING REQUIREMENTS:

- (a) **B-1A, B-2, B-3 and B-4 Districts:** See also 5.02 (e). (3/6/13)
- (1) **Required Parking Spaces:** Off-street parking spaces shall conform to the requirements specified in Schedule 4A.09(c).
 - (2) **Required Loading Spaces:** One (1) loading space at least 12 feet wide and 50 feet long, with 15 feet of clearance, excluding any other parking spaces or circulations areas on the lot, shall be required per 5,000 square feet of floor area or outdoor sales area involving the exchange of goods. Loading facilities shall be located entirely within enclosed main buildings, or in side or rear yards.
 - (3) **Location:** Off-street parking and loading areas shall be located in compliance with the minimum setbacks, measured from the road right-of-way or property line, as specified in Schedule 4A.09(d), unless otherwise noted. 11/19/13
- (b) **B-1 and I-1 Districts:** See also 5.02(f). (3/6/13)
- (1) **Required Parking Spaces:** Off-street parking spaces shall conform to the requirements specified in Schedule 4A.09(c).
 - (2) **Required Loading Spaces:** See 5.02(f). (3/6/13)
 - (3) **Location:** Off-street parking and loading areas shall be located in compliance with the minimum setbacks, measured from the road right-of-way or property line, as specified in Schedule 4A.09(d), unless otherwise noted. 11/19/13

Schedule 4A.09(c): Parking Requirements

Schedule 4A.09(c): Parking Requirements

	B-1 General Business District (3)	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
All uses except as noted below	1 space per 200 sq. ft. of floor area ⁽¹⁾	1 space per 200 sq. ft. of floor area	1 space per 400 sq. ft. of floor area or 1 space per 4 persons at maximum capacity, whichever is greater	1 space per 200 sq. ft. of floor area or 1 space per 2 persons at maximum capacity, whichever is greater	1 space per 200 sq. ft. of floor area or 1 space per 2 persons at maximum capacity, whichever is greater	1 space per employee at maximum shift
(1) Single Family Dwellings 8/15/18	(2)	(2)	N/P	N/P	N/P	N/P
(2) Reserved						
(3) Nursing Homes and residential care facilities	N/P	N/P	N/P	N/P	1 space per bed at maximum capacity	N/P
(4) Hospital	1 space per bed at maximum capacity	1 space per bed at maximum capacity	N/P	N/P	1 space per bed at maximum capacity	N/P
(5) Self-Storage Facilities	1 space per 10 units; minimum of 3 spaces	N/P	N/P	N/P	1 space per 10 units; minimum of 3 spaces	1 space per 10 units; minimum of 3 spaces
(6) Child Day Care Facility	1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity	1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity	N/P	1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity	1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity	1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity

⁽¹⁾ See Accessory Uses 5.02.

⁽²⁾ See 5.02(f)(2). 3/6/13

⁽³⁾ R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14

(d): Parking Setbacks.

Schedule 4A.09(d): Parking Setbacks

	B-1 General Business District ⁽³⁾	B-1A Auburn Corners Retail Business District	B-2 "Village" Retail District	B-3 Retail/Motorist Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
(1) Front (minimum setback)	15 feet ⁽²⁾	25 feet	40 feet	25 feet	25 feet	15 feet
(2) Side and Rear (minimum setback)	15 feet ⁽²⁾	15 feet	none	15 feet	15 feet	15 feet
⁽¹⁾ Deleted effective 12/31/03. ⁽²⁾ See also 5.02(f)(4). 3/6/13 ⁽³⁾ R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14.						

4A.10 LANDSCAPING AND SCREENING REQUIREMENTS FOR B-1, B-1A, B-2, B-3, B-4 and I-1 DISTRICTS: All portions of a lot not devoted to buildings and pavement shall be landscaped, and screening and buffers provided, in order to: remove, reduce, lessen or absorb the impact between one use or district and another; break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas; enhance stormwater management; and provide protection from soil erosion.(5/19/04)

(a) **Landscaping Along the Road Frontage.** All areas within the required building and parking setback, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained. 11/19/13

- (1) Three- (3) shade trees, for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - a. Each tree, at the time of installation, shall have a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
 - b. For the purpose of these regulations, a shade tree shall be a tree normally growing to a mature height of twenty (20) feet and a mature spread of at least fifteen (15) feet.
- (2) Twenty (20) shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
- (3) Grass, ground covers or other live landscape treatment, excluding paving or gravel.

- (4) Trees and shrubs may be evenly spaced or reasonably and appropriately aggregated based on site-specific characteristics.
- (b) **Screening and Landscaping of Parking Lots.** Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements.
- (1) **Interior Parking Lot Landscaping.** For any parking area that contains more than two rows of parking and is designed to accommodate thirty (30) or more vehicles, not less than ten percent (10%) of the parking lot area shall be planted as landscaped islands. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles. Such islands shall be developed and evenly distributed throughout the parking lot to provide visual and climatic relief from broad expanses of pavement.
- a. Each island shall be a minimum of ten (10) feet in any horizontal dimension and shall provide at least one shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
- b. Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior parking lot landscaping.
- (2) **Screening of Parking Lots Along Public Roads.** Whenever parking areas consisting of five (5) or more spaces are located such that the parked cars will be visible from a public road, screening shall be provided and maintained between the parking area and the road-right-of-way. Such screening shall have a minimum height of three (3) feet and shall be placed along the perimeter of the parking area to effectively obscure a minimum of fifty percent (50%) of the view of the parking area. Screening provided in compliance with subsection 4A.10(a) shall fulfill this requirement. 11/19/13
- (c) **Screening Adjacent to Residential Districts.** Screening and buffering shall be provided within the required setback areas adjacent to residential districts in compliance with the following regulations.
- (1) Screening within the buffer yard shall consist of one or a combination of the following:
- a. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three (3) years after the initial installation.

- b. A non-living opaque structure such as a solid masonry wall or a solid fence that is compatible with the principal structure.
- c. A fence with openings through which light and air pass, together with a landscaped area at least ten (10) feet wide.
- d. A landscaped earthen mound or berm at least five (5) feet wide.
- e. Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet.

(2) The height of screening shall comply with the following:

- a. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of six (6) feet high measured from the natural grade.
- b. Vegetation shall be a minimum of six (6) feet high measured from the natural grade. The required height shall be achieved no later than twelve (12) months after the initial installation.

The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect.

(d) **Screening of Accessory Uses.** Accessory uses shall be screened from any adjacent road or adjoining property according to the following: 11/19/13

- (1) Dumpsters and loading areas shall be enclosed on all four sides by an opaque fence or wall having a minimum height of six (6) feet.
- (2) Outdoor storage shall be screened according to subsection 4A.10(c) when abutting a residential district. 3/6/13

(e) **Landscaping and Maintenance of Yards.** Required yards and all other portions of the lot not covered by permitted structures or parking shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which shall be maintained in good and healthy condition at all times.

- (1) All screening shall be free of advertising or other signs, except for directional signs and other signs necessary for the efficient flow of vehicles.
- (2) The current owner shall maintain the required landscaping in healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within six (6) months. Replacement material shall conform to the original intent of the landscape plan.
- (3) Vehicle parking shall not be permitted in landscaped areas.

4A.11 OUTDOOR LIGHTING REGULATIONS FOR B-1, B-1A, B-2, B-3, B-4, I-1 AND OS-1 DISTRICTS: (3/7/07)

- (a) **Purpose.** The purpose of this section is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting in the B-1, B-1A, B-2, B-3, B-4, I-1, and OS-1 Districts in order to preserve, protect and enhance the rural character of the Township and the lawful nighttime use and enjoyment of property located within the Township. Appropriate site lighting, including lights for signs, buildings and roads, shall be arranged so as to: 11/19/13
- (1) Provide safety, utility and security.
 - (2) Control light trespass and glare on adjacent properties and public roadways.
 - (3) Reduce atmospheric light pollution.
- (b) **General Requirements.**
- (1) All outdoor lighting fixtures in the B-1A, B-2, B-3 and B-4, I-1 and OS-1 Districts, including but not limited to those used for roads, parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full cut-off type fixtures. 11-19/13
 - a. These full-shielded or full cut-off fixtures shall be installed and maintained so that the shielding is effective as described in the definitions, Article 2. 6/6/07
 - b. Uplighting is prohibited.
 - c. Signs wholly illuminated from within are acceptable and do not require shielding.
 - d. Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.
 - (2) **Light Trespass.** Light trespass over a commercial property line shall be limited to no more than 0.5 footcandles at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public road or vehicle thereon. 11/19/13

(3) **Measurement.**

- a. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
- b. Measurements shall be taken at the commercial property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.

(4) All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only that lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.

(5) Light poles shall not exceed a height of twenty (20) feet.

(c) **Exemptions.**

- (1) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt. 6/6/07
- (2) Temporary construction or emergency lighting is exempt provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting. 6/6/07
- (3) Nothing in Section 4A.11 shall apply to lighting required by the FAA or any other federal regulatory authority.

4A.12 NOISE REGULATIONS FOR B-1, B-1A, B-2, B-3, B-4, I-1, AND OS-1 DISTRICTS:

All uses located in a B-1, B-1A, B-2, B-3, B-4, I-1 or OS-1 Districts shall adhere to the requirements of this Section in order to protect Township residents from excessive noise, which may degrade their quality of life or jeopardize their health and welfare. (3/7/07)

- (a) **Average Decibel Limits.** In a B-1, B-1A, B-2, B-3, B-4, I-1 or OS-1 District, a person may not conduct a use so as to create a noise level that exceeds the decibel limits contained in the following table: 7/19/17

	Average Sound Level at the Property Line (dBA) 7/19/17	
	6 am to 9 pm 7/19/17	9 pm to 6 am 7/19/17
a. Adjacent to residential district	55	45
b. Adjacent to non-residential district ⁽¹⁾	65	60

⁽¹⁾In no case, however, shall the decibels exceed, at the nearest residential property line, the average sound pressure level indicated in line a. 7/19/17

- (b) **Measurement.**

- (1) The sound level is determined by the average decibel level for the eight (8) highest one (1) hour periods of the day or night as indicated by the above table. 7/19/17
- (2) A sound-level meter may be used by the Zoning Inspector or a qualified sound consultant may be retained to measure sound pressure level; provided however, that prior authorization therefor shall be granted by the Board of Township Trustees. 11/19/13
- (3) Noise levels shall be measured at any point along the property line. 7/19/17

4A.13 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES IN THE B-1A, B-2, B-3, B-4 AND OS-1 DISTRICTS:

- (a) **Reserved 2/2021**

- (b) **Development Guidelines.** The following guidelines are established to ensure all new development or redevelopment in the B-1A, B-2, B-3 and B-4 Districts complies with the purpose and objectives of this Article, as set forth in Section 4A.01 .
 - (1) **General Criteria.**
 - a. The proposal shall enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development requirements set forth in this Article.
 - b. Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.
 - c. Each building or unit of a multiple building development should have its own distinct identity, yet should also be compatible with adjacent units or buildings in terms of proportion, color and materials.
 - d. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved and developed. Modification of topography will be permitted providing the modifications do not affect surrounding properties or the overall quality of the proposed development in an adverse way.
 - (2) **Utility Lines.** All on-site power and utility lines shall be buried underground.
 - (3) **Drainage and Storm Water Management.**
 - a. Lots shall be graded so that water runoff is concentrated where it can be most effectively infiltrated and reabsorbed. Stormwater retention areas should be incorporated wherever possible to contribute to aquifer recharge.
 - b. Where stormwater retention basins are used, a minimum of 5 feet of silt or sand, whether existing or installed, shall be maintained between the bottom of the retention basin and the underlying aquifer to protect the aquifer from any contamination.

- c. Rooftop downspouts shall be disconnected or redirected from roadway and stormwater collection systems wherever possible; rooftop and other impervious surface runoff should be directed to selected infiltration areas in yards or vegetated areas.
 - d. Road layout should take advantage of natural drainage patterns. Roadside swales should be designed to accept stormwater runoff, reduce the velocity of water and increase infiltration.
 - e. Development plans shall not include an inverted curvature to roads, and whenever possible, the use of curb and gutter systems should be avoided. 11/19/13
 - f. Development plans shall conform to the Water Management and Sediment Control Regulations set forth in Article 3, Section 3.05.
- (4) **Compliance with Other Regulations.** Development in the B-1A, B-2, B-3 and B-4 Districts shall comply with all other applicable regulations as set forth by appropriate county, state and/or federal agencies.
- (5) **B-2 “Village” Retail District Development Criteria.** In addition to the guidelines specified in subsections (1) through (4) above, development within the B-2 District should maintain the existing small-scale retail and residential character of the “village” center area by complying with the following.
- a. **Pedestrian Quality.** Pedestrian activity shall be encouraged and safe pedestrian connections shall be provided between the principal uses, adjacent uses, parking areas and sidewalks.
 - b. **Development.**
 - 1. New development shall enhance and improve the character of the community and be appropriate and compatible with its surroundings.
 - 2. New development shall complement adjacent buildings and enhance the character of the surrounding area.
 - 3. New development is not restricted as to architectural style; however, a “Western Reserve” style is encouraged so that a harmonious relationship with the prevailing characteristics of the surrounding area is maintained and the rural character of Auburn Township is preserved.
 - 4. Appropriate means for achieving 1 through 3 above include:

- i. When buildings have the appearance of being at least two (2) stories in height, which can be accomplished through the use of pitched roofs, dormer windows or other architectural elements.
 - ii. When the minimum pitch of the main roof of a building is less than 4 feet of rise for each 12 feet of horizontal run.
 - iii. When the wall of a building facing a public right-of-way or parking area, or is within 45 degrees of facing a public right-of-way, has a minimum of fifty percent (50%) of such wall area with display-type windows on the ground floor, with the bottom edge of such windows not higher than three (3) feet above grade and no more than twenty percent (20%) of such windows opaque.
 - iv. When walls have no more than twenty (20) feet of contiguous wall length devoid of windows on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.
 - v. When the arrangement, proportion and design details of windows, doors, porches and other architectural details is consistent with the patterns currently existing in the district.
 - vi. When buildings have finish materials on all sides, and are harmonious with the predominantly Western Reserve architectural style of the surrounding area.
- c. **Development Plan Review.** Development within the B-2 "Village" Retail District is subject to Development Plan Review according to Article 8.

4A.14 APPLICATION OF DISTRICT REGULATIONS: The B-1, B-1A, B-2, B-3, B-4, I-1 and OS-1 Districts and their regulations are established to achieve the purposes set forth in Section 4A.01. In the event there is a conflict between the regulations of this Article and regulations contained elsewhere in the Zoning Resolution, the provisions contained in this Article shall govern.

ARTICLE 4

RESIDENTIAL DISTRICT REGULATIONS

- 4.01 Districts Established
4.02 Zoning Map & District Boundaries
- 4.03 District Schedule

4.01 DISTRICTS ESTABLISHED: In addition to the other provisions of this Resolution, the following standards shall apply in all districts:

R-1 and R-2 Districts: R-1 and R-2 are established to provide for residential neighborhoods of a rural character with maximum densities as specified herein. The configuration of areas, lots and uses shall be sufficient to meet the standards and regulations of this Resolution. The R-1 District also includes the Tabor Subdivision, in Plat Book 3, Pages 7 and 8 of Geauga County Plat Records, which is recognized to consist of lawful pre-existing non-conforming lots of record. 3/11/08

4.02 ZONING MAP & DISTRICT BOUNDARIES: Districts and their boundaries are shown on the Zoning Map (see Appendix B of this Resolution) and are included in the legal descriptions set forth in Exhibits. The area enclosed by a district boundary shall be in the district designated therein on the Zoning Map. Where uncertainty occurs as to the precise location of a boundary, the following shall apply:

- (a) **Rights-of-Way:** Where a district boundary appears within a right-of-way, its centerline shall be the boundary. Should a right-of way be vacated, the abutting district shall be extended to its centerline.
- (b) **Lot Lines:** Where a district boundary appears to follow a lot line, this line shall be the boundary.
- (c) **Interpretation:** Should the Zoning Inspector be unable to determine the location of a district boundary according to (a) or (b) above, its location shall be determined by the Board of Zoning Appeals.

4.03 DISTRICT SCHEDULE: Regulations for the R-1 and R-2 Districts are itemized on Schedule 4.03(k). Notwithstanding its other provisions, the following shall apply: (Effective 7/31/02)

- (a) **Districts and Main Uses:** Lots and structures shall be used in compliance with Schedule 4.03(k). Only the permitted main uses defined in the Resolution and specified on the Schedule under a given district shall be permitted in that district; and only those conditional uses so defined and specified may be approved.

- (b) **Accessory Uses:** Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. See also Section 5.02.
- (c) **Prohibited Uses:** Any use not specifically listed in this Resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use is in effect or a variance has been granted in accordance with this Resolution.
- (d) **Minimum Lot Width:** The minimum width of a lot shall be specified in Schedule 4.03(k); provided, however, that for any lot located on a permanent cul-de-sac road turnaround the minimum lot frontage may be 60 feet measured at the right-of-way margin. Such cul-de-sac lots shall have a minimum lot width at the minimum front building setback line of 200 feet, and an average mean width of not less than 200 feet in the R-1 District and a minimum lot width at the minimum front building setback line of 175 feet and an average mean width of not less than 175 feet in the R-2 District. (effective 2/22/06)
- (1) For the purpose of this section, the “average mean width” of a lot shall be the area of the lot’s divided by the lot “mean depth”. The “mean depth” of a lot shall be the length of a straight line extending from the midpoint of the front line of the lot to the midpoint of the lot’s rear line. (effective 2/22/06)
 - (2) The depth of a lot shall not exceed three times the lot’s average mean width unless the lot’s average mean width exceeds 300 feet. (effective 2/22/06)
 - (3) For illustrative purposes, see Appendix “F”. effective 2/22/06)
- (e) **Minimum Lot Areas:** Depending on their use, lot areas and widths shall not be less than given on Schedule 4.03(k).
- (f) **Minimum Yard Depths:** Depending on their use, yard depths shall not be less than given on Schedule 4.03(k). Yards on one lot shall not be considered to be located on any other lot.
- (g) **Maximum Lot Coverage:** Depending on its use, the percent of lot area covered by main and accessory buildings shall not be greater than given on Schedule 4.03(k).
- (h) **Maximum Building Heights:** No main building shall exceed a height of 35 feet, and no accessory building shall exceed a height of 23 feet. (9/6/01)
- (i) **Required Parking Spaces:** Depending on its use, each lot shall have at least the required parking spaces specified on Schedule 4.03(l). See 5.02(e).
- (j) **Maximum Total Sign Areas:** Depending on its use, the total area of all signs, exclusive of billboards, on a lot shall not be greater than given on Schedule 4.03(l).
- (1) Maximum total sign areas in R-1 and R-2. See Schedule 4.03(l). 8/20/14
 - (2) Permitted R-1 and R-2 District Signs: One (1) unlit identification sign shall be permitted with its main use on the same lot in R-1 and R-2 Districts. 8/20/14

Schedule 4.03(k): Residential District Schedule

DISTRICTS & USES ⁽¹⁾	MINIMUM LOT AREA (Acres)	MINIMUM LOT WIDTH (Feet)	MINIMUM YARD DEPTH (Feet)			MAXIMUM LOT COVERAGE ⁽⁴⁾
			FRONT	SIDE	REAR	
R-1 DISTRICTS						
Permitted Main Uses:						
Agriculture	5.00	150	65	50	50	5%
Single Family Dwellings 8/15/18	3.00	200 ⁽²⁾	65	30	50	10%
Adult Group Homes	3.00	200 ⁽²⁾	65	30	50	10%
Adult Family Homes	3.00	200 ⁽²⁾	65	30	50	10%
Public Facilities	3.00	200	100	50	50	20%
Conditional Uses:						
Cemeteries	5.00	300	100	100	100	5%
Churches	3.00	200	100	50	100	20%
Golf Course (7/21/10)	50.00	300	100	100	100	20%
Quarries	20.00	300	100	100	100	5%
R-2 DISTRICTS						
Permitted Main Uses:						
Agriculture	5.00	150	65	50	50	5%
Single Family Dwelling 8/15/18	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Group Homes	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Family Homes	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Public Facilities	3.00	200	100	50	50	20%
Conditional Uses:						
Cemeteries	5.00	300	100	100	100	5%
Churches	3.00	200	100	50	100	20%
Golf Course (7/21/10)	50.00	300	100	100	100	20%
Quarries	20.00	300	100	100	100	5%

(1) See Use Definitions (2.02), Zoning Map (Appendix B), Dwellings (5.01), Accessory Uses (5.02) and Conditional Uses (5.03)
 (2) See 4.03(d).
 (3) Corner Lots shall have a Minimum Lot Area of 2.00 acres, and a Minimum Lot Width of 200 feet.
 (4) See 4.03(h) for Maximum Building Heights.

Schedule 4.03 (I): Parking and Signs in Residential Districts

DISTRICTS & USES ⁽¹⁾	REQUIRED PARKING SPACES ⁽²⁾	MAXIMUM TOTAL SIGN AREA ⁽³⁾
R-1 DISTRICTS		
Permitted Main Uses:		
Agriculture	1 Per Employee at Maximum Shift	5 square feet
Single Family Dwelling Unit 8/15/18	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Group Homes	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Public Facilities	1 Per 2 Persons at Maximum Capacity	35 square feet
Conditional Uses:		
Cemeteries	1 Per 2 Persons at Maximum Capacity	35 square feet
Churches	1 Per 2 Persons at Maximum Capacity ^{7/21/10}	35 square feet
Golf Course ^(7/21/10)	1 space per 200 sq. ft. of floor area; 1 per 2 persons maximum use and occupancy	35 square feet
Quarries	1 Per Employee at Maximum Shift	5 square feet
R-2 DISTRICTS		
Permitted Main Uses:		
Agriculture	1 Per Employee at Maximum Shift	5 square feet
Single Family Dwellings 8/15/18	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Group Homes	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Public Facilities	1 Per 2 Persons at Maximum Capacity	35 square feet
Conditional Uses:		
Cemeteries	1 Per 2 Persons at Maximum Capacity	35 square feet
Churches	1 Per 2 Persons at Maximum Capacity ^{7/21/10}	35 square feet
Golf Course ^(7/21/10)	1 space per 200 sq. ft. of floor area; 1 per 2 persons maximum use and occupancy	35 square feet
Quarries	1 Per Employee at Maximum Shift	5 square feet
<p>(1) See Use Definitions (2.02), Zoning Map (Appendix B), Dwellings (5.01), Accessory Uses (5.02) & Conditional Uses (5.03).</p> <p>(2) See Accessory Uses 5.02.</p> <p>(3) See Accessory Uses, 5.02(i). (3/6/13)</p> <p>(4) See Accessory Uses, 5.02(i) (2). (3/6/13)</p>		

ARTICLE 5

SUPPLEMENTARY REGULATIONS

- 5.01 Dwellings
 - 5.02 Accessory Uses
 - 5.03 Conditional Uses
 - 5.04 Fire Protection Pond (3/17/04)
 - 5.05 Prohibited Uses in All Zoning Districts
-

5.01 DWELLINGS: In addition to the other provisions of this Resolution dwellings shall be regulated as follows:

- (a) **Maximum Densities:** In R-1 and R-2 Districts, the total number of dwelling units in each subdivision shall not exceed the number of units per acre provided in Schedule 4.03(k). There shall be no more than one (1) single family detached dwelling on a lot. (Effective 12/31/03)
- (b) **Minimum Dwelling Unit Areas:** Depending on its number of bedrooms, each dwelling unit shall have at least the following floor area.

Number of Bedrooms	Minimum Floor Area Per Dwelling Unit
Under 3	1200 Square Feet
3	1500
4	1800
Over 4	2100

5.02 ACCESSORY USES: In addition to the other provisions of this Resolution, accessory uses shall be permitted and regulated as follows:

- (a) **Accessory Buildings:** No accessory building shall be located in a front yard. Detached accessory buildings may be located in side or rear yards at least 15 feet from any lot line or other building on the same lot; and accessory buildings used for keeping horses or livestock shall be located at least 50 feet from any lot line, or as otherwise regulated by the county Health Department.

Replacement Page 4/14/05

- (b) **Home Occupations:** One (1) parking space per 200 square feet of floor area used by the home occupation shall be provided in addition to the other spaces required on the lot; and its maximum total sign area shall not be increased.
- (c) **Outdoor Displays:** ^{3/6/13} Outdoor displays shall be an accessory use in B-2, B-1A, B-3, B-4 and I-1 Districts. Such displays must be in compliance with the following:

(1) Locations:

- a. Outdoor display setbacks for all zoning districts are as follows:

Outdoor Display Setbacks ^{3/6/13}

	B-1 General Business District	B-1A Auburn Corners Retail Business District	B-2 “Village” Retail District	B-3 Retail/Motori st Service District	B-4 Office/Light Industrial District	I-1 General Industrial District
Front/Side/Rear Minimum Setback	15 feet	25 feet	N/A	25 feet	25 feet	15 feet

- b. Outdoor displays are not permitted in the B-2 District.
- c. No outdoor display area shall be permitted to occupy or interfere with required parking areas, required open space, public sidewalks or pedestrian access.

(2) Development and Maintenance Standards:

- a. Outdoor displays shall be stationary and devices such as flashing lights, searchlights or portable signs shall be prohibited.
- b. No outdoor display shall be hazardous to any traffic movement.
- c. The permitted illumination of outdoor displays shall be of a constant intensity. No illuminated outdoor display shall emit any glare beyond its lot lines.
- d. Areas devoted to outdoor displays shall be constructed on an impervious surface.

- (d) **Outdoor Storage:** Outdoor storage shall be an accessory use in B-1, B-1A, B-3, B-4 and I-1 Districts. Such storage must be in compliance with the following.
- (1) **Locations:**
- a. Areas devoted to outdoor storage shall comply with all building setbacks and yard regulations for the district in which they are located.
 - b. No outdoor storage shall be permitted between the front wall of the principal building and the adjacent road.
 - c. No outdoor storage area shall be permitted to occupy or interfere with required parking areas, required open space, public sidewalks or pedestrian access.
 - d. Outdoor storage shall not be permitted in the B-2 District.
- (2) **Development and Maintenance Standards:**
- a. The permitted illumination of outdoor storage shall be of a constant intensity. No illuminated outdoor storage shall emit any glare beyond its lot lines.
 - b. The bulk storage of material shall be effectively prevented from spreading.
 - c. All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public roads by walls, fences or landscaping (or these in combination) which achieve a substantially opaque screen from the ground to the height of the material to be stored or six (6) feet, whichever is less. Any landscape plant material which is used shall be planted at such size and spacing to achieve a substantially opaque screen within two (2) years from the time of planting. 11/19/13
 - d. No outdoor storage or required screening shall be hazardous to any traffic movement.
 - e. Areas devoted to outdoor storage shall be located on an impervious surface.
 - f. Maximum lot coverage including buildings, parking and outdoor storage in the B-1A, B-3 and B-4 Districts shall not exceed 40% of the total lot area. Areas devoted to outdoor storage in B-1 and I-1 shall not exceed 25% of the total lot area.

- (e) **Parking and Loading Facilities in the B-1A, B-2, B-3 and B-4 Districts:** Parking and loading facilities shall be required and regulated in the B-1A, B-2, B-3 and B-4 Districts as follows:
- (1) **Measurement Standards:** The following standards for measuring parking and loading facilities shall apply.
 - a. The dimensions of parking spaces and related circulation areas shall be based on the minimum standards given in Appendix C of the Resolution.
8/15/18
 - b. The required number of parking and loading spaces shall be provided according to Schedule 4A.09(c).
 - c. If the Zoning Inspector is unable to determine the area or number of parking and loading facilities according to subsection (a) or (b) above, they shall be determined by the Commission.
 - (2) **Development and Maintenance Standards:** Parking and loading facilities shall comply with the general provisions of this Resolution (3.01 and 3.02) and the following standards.
 - a. The location and design of all parking and loading facilities shall be in keeping with the character of the surrounding area.
 - b. All parking and loading areas shall have a hard, dust-free surface; and any area with five (5) or more spaces shall be constructed with a surface of concrete or asphalt. Appurtenances such as curbs, gutters, wheel guards, directional signs, striping, lighting and trash units may be required. (9/6/01)
 - c. All parking and loading facilities shall be completed within one (1) year after the approval date of their Development Plan. See 6.01(b).
 - d. The owner of the lot used by any parking or loading facilities shall be responsible for their maintenance in good condition without holes, dust, trash or debris. The parking of any unlicensed or disabled motor vehicle on any outdoor parking or loading facility for a continuous period of 15 or more days shall be prohibited.
- (f) **Parking and Loading Facilities in the R-1, R-2, B-1 and I-1 Districts:** Parking and loading facilities shall be required and regulated in the R-1, R-2, B-1 and I-1 Districts as follows. (Effective 7/31/02)
- (1) **Required Parking Spaces:** See 4.03(I) and 4A.09(c).

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- (2) **Required Parking Garages:** Parking garages shall be required to accommodate two (2) parking spaces per one-family dwelling on the same lot.
(Effective 7/31/02)
- (3) **Required Loading Spaces:** One (1) loading space at least 12 feet wide and 50 feet long with 15 feet of clearance, excluding any other parking spaces or circulation areas on the lot, shall be required per 5,000 square feet of floor area or outdoor sales area involving the exchange of goods.
- (4) **Location:** Parking and loading facilities shall comply with the following regulations.
- a. Outdoor parking facilities for dwellings shall be located only in side or rear yards at least 15 feet from any lot line. No dwelling shall be located further than 200 feet from at least two (2) parking spaces.
 - b. Outdoor parking facilities for non-dwelling uses may be located in any yard at least 15 feet from any lot line unless joint facilities on adjoining lots are made a part of their approved Development Plans. See 6.01 (b). No non-dwelling use shall be located further than 500 feet from at least its required number of parking spaces.
 - c. Loading facilities shall be located entirely within enclosed main buildings or in side or rear yards at least 15 feet from any lot line.
- (5) **Measurement Standards:** The following standards for measuring parking and loading facilities shall apply.
- a. The dimensions of parking spaces and related circulation areas shall be based on the minimum standards in Appendix C of the Resolution.
(Effective 7/31/02)
 - b. The required number of parking and loading spaces shall be based on data such as floor area, room arrangements, seating capacity and employment estimates certified in a given application and verified by County and Ohio Building Departments and comparable uses.
- (6) **Development and Maintenance Standards:** Parking and loading facilities shall comply with the general provisions of this Resolution (3.01 and 3.02) and the following standards.

- a. The location and design of all parking and loading facilities shall be in keeping with the character of the surrounding area.
 - b. All parking and loading facilities shall have a hard dust-free surface; and any area with five (5) or more spaces shall be constructed with a surface of concrete or asphalt. Appurtenances such as curbs, gutters, wheel guards, directional signs, striping, lighting and trash units may be required. (9/6/01)
 - c. Parking and loading facilities used during non-daylight hours shall be properly illuminated to assure traffic safety and security. Such lighting shall not emit any direct or indirect glare beyond the lot served.
 - d. Parking and loading facilities with five (5) or more spaces shall be effectively screened and landscaped.
 - e. All parking and loading facilities shall be completed within one (1) year after the approval date of their Development Plan. See 6.01 (b).
 - f. The owner of the lot used by any parking or loading facilities shall be responsible for their maintenance in good condition without holes, dust, trash or debris. The parking of any unlicensed or disabled motor vehicle on any outdoor parking or loading facility for a continuous period of 15 or more days shall be prohibited.
- (g) **Swimming Pools:** Swimming pools shall be located only in side or rear yards at least 15 feet from any lot line. Each such pool shall be fully enclosed by a permanently constructed chain link fence or equally secure fence or wall not less than four (4) nor more than six (6) feet in height. The openings on a chain link fence shall be not more than two (2) inches knuckled on the top and bottom. All gates shall be self-closing and self-latching with a latch not readily accessible for children to open. Such fences or walls shall be maintained in a safe and secure condition. 6/6/07
- (h) **Farm Markets:** Farm Markets are not prohibited in any district zoned for industrial, residential, or commercial uses. The use of any land for a farm market where 50 percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Farm markets and parking for such shall be located at least 25 feet from any lot line. Two (2) parking spaces plus one (1) additional space per 200 square feet of floor area used by the farm market shall be provided in addition to the other required parking and loading facilities on the lot.

- (i) **Signs:** Signs, not including billboards, shall be permitted and regulated as follows.
- (1) **Permitted B and I District Signs:** One or more identification or business signs shall be permitted with their main use on the same lot in B and I Districts. The total area of all such signs on a single lot shall not exceed 150 square feet or three (3) square feet per foot of building frontage on the lot, whichever is smaller.
- a. One or more identification or business signs shall be permitted with their main use on the same lot in B and I Districts. 8/20/14
 - b. The total area of all such signs on a single lot shall not exceed 150 square feet or three (3) square feet per foot of building frontage on the lot, whichever is smaller. 8/20/14
- (2) **Electronic Message Signs:** An electronic message sign shall be permitted in the B-1, B-1A, B-3, B-4 and I-1 zoning districts and shall comply with all of the following regulations: 8/20/14
- a. The total area of all such signs on a single lot shall not exceed 150 square feet or three (3) square feet per foot of building frontage on the lot, whichever is smaller. The electronic message display area of the sign shall not exceed 30% of the overall square footage of the sign.
 - b. The static electronic message shall be displayed for a minimum of 30 seconds.
 - c. The change to another static electronic message shall be instantaneous.
 - d. The static electronic message shall not include any image that moves, including animated, flashing, scrolling, intermittent or full motion elements of illumination.
 - e. The electronic signs shall contain a default design that will freeze the electronic message in one position or cause it to go dark if a malfunction occurs.
 - f. The electronic sign must be capable of regulating the digital display intensity and the light intensity level of the display and must automatically adjust to natural ambient light conditions.
 - g. There shall be no more than one (1) electronic message sign per lot consisting of single or double sided displays.

- h. An electronic message sign shall be classified as a ground or pylon sign.
- i. An electronic message sign shall not emulate traffic control devices.
- j. The electronic sign message must be for the use of the business only. Advertisements for products and or services not related to the uses of the parcel where the electronic message sign is located are prohibited.

(3) **Permitted Temporary Signs:** In addition to other permitted signs, prohibitive signs, or temporary signs not exceeding two (2) square feet in area or located closer than one hundred (100) feet apart shall be permitted on any lot. Other temporary signs not exceeding fifteen (15) square feet in area or located closer than one hundred (100) feet apart shall be permitted on any lot, provided such signs are removed within six (6) months after being posted or erected. A zoning certificate shall be required for temporary signs greater than two (2) square feet. 5/19/04, 8/15/18

Temporary Signs Exceeding 15 Square Feet in Area in any District: The owner of the lot shall provide written verification that such signs will be removed within six (6) months from the date of issuing the zoning permit. (5/19/04)

- (4) **Development Signs:** Development signs not exceeding 35 square feet in area and other signs related to common open space or the movement of traffic on a lot shall be made a part of its approved Development Plan. See 6.01(b).
- (5) **Directional Signs:** No more than two directional signs per lot in B and I districts shall be permitted, provided such signs are located at least 300 feet from any R-1 or R-2 District, dwelling, public facility, cemetery or church. Directional signs shall not exceed 6 square feet. (7/21/10)
- (6) **Other Signs:** Other signs not otherwise defined or classified, provided the general standards of the Resolution are met. See 6.05(a). (7/21/10)
- (7) **Location and Height:** Signs shall comply with the following regulations:
 - a. Each sign shall be located at least one (1) foot from any lot line per square foot of sign area.
 - b. Freestanding signs located in a required yard shall not exceed six (6) feet in height.
 - c. Signs connected to a main building shall not project more than five (5) feet into a required yard. Such signs and other signs not located in a

required yard shall not exceed 35 feet in height or be located on the roof of any building.

(8) Measurement Standards: The following standards for measuring signs shall apply.

- a. The area of a sign shall include its entire surface or surfaces used for display, excluding only those structural members which are clearly not a part of the display.
- b. Building frontage shall be the length of any main building on a lot facing the principle road. On corner lots, 20 percent of the length of any main building facing the secondary road shall be added to the building frontage of the lot. 11/19/13
- c. Should the Zoning Inspector be unable to determine the area of a sign according to a. or b. above, it shall be determined by the Commission. See 6.03(b).

(9) Development and Maintenance Standards: Signs shall comply with the general provisions of this Resolution (3.01 and 3.02) and the following standards.

- a. The location and design of all signs shall be in keeping with the character of the surrounding area.
- b. Signs shall be stationary and devices such as banners, flashing lights, movable parts, searchlights or portable signs designed to be moved shall be prohibited.
- c. No sign shall be hazardous to any traffic movement and unauthorized traffic control devices shall be prohibited.
- d. No sign shall occupy more than 20 percent of a window or door, or obstruct any means of fire escape from a building.
- e. The permitted illumination of certain signs shall be of a constant intensity. No illuminated sign shall emit any direct or indirect glare beyond its lot lines.
- f. Billboards shall be prohibited in residential areas, except on agricultural lands as provided in 5.03 (f) (4) (d).

5.03 CONDITIONAL USES: Only those conditional uses defined in this Resolution and specified under a given district on Schedule 4.03(k) and Schedule 4A.05 may be approved in that district. In addition, the following regulations related to particular categories of conditional uses shall apply.

(a) **Cemeteries** (7/21/10)

- (1) **Location and Access:** These uses shall offer natural or man-made features such as variations in grade and landscaping which will assure a compatible development pattern. Direct access to or from local residential roads shall be prohibited; and all points of access shall be located at least 200 feet from any road intersection. 11/19/13
- (2) **Development Standards:** In addition to the other standards of this Resolution (3.01), all main and accessory uses shall be enclosed by a six (6) foot high fence or wall in good condition with appropriate security appurtenances.
- (3) **Maintenance Standards:** In addition to the other standards of this Resolution (3.02), limitations on the time or extent of operations, and certifications by applicable agencies on the legal nature of the use may be required.

(b) **Golf Course** (7/21/10)

- (1) **Location and Access:** Golf Courses shall be a conditional use in the R-1 and R-2 districts and shall comply with 3.07.
- (2) **Development Standards:** See 3.01 and in setting conditions the Board of Zoning Appeals shall consider the following:
 - a. The need for a sufficient buffer zone between the golf course/club, its accessory uses and the adjacent uses.
 - b. A golf course design which minimizes the opportunity for golf balls to be hit outside of the property boundary lines.
 - c. Lot areas, type of construction, parking facilities, traffic, fire hazards, offensive odors, smoke, fumes, noise and lights, the general character of the neighborhood, the nature and use of other premises, and the location and use of other buildings in the vicinity, and whether or not the proposed use will be detrimental to neighborhood property.
 - d. In the case of a golf course of 18 or more holes of play, there may be included the following additional facilities as accessory to the principal use:
 1. Pitch-and-putt course, unlighted.
 2. Outdoor driving range, unlighted
- (3) **Maintenance Standard:** See 3.02.

(c) **Quarries:** (Effective 12/4/02)

The following conditions shall apply:

- (1) **Location and Access Roads:** Quarries and accessory buildings, structures, and uses, including the stockpiling of any excavated minerals, shall be set back a minimum of 100 feet from any public or private road right-of-way and a minimum of 300 feet from any existing dwelling, public facility, nursing home, hospitals, playground, commercial or non-commercial recreation facility, community center, commercial park, cemetery or church. The Board of Zoning Appeals has the power to establish which township roads shall be used for access to and from said quarry operation in order to minimize the hazards and damage to those roads. 6/6/07
- (2) **Performance Bond:** A performance bond or other financial guarantee in an acceptable amount shall be posted with the appropriate governmental entity and a copy thereof provided with the application for a conditional zoning certificate to ensure that any damage to township roads associated with the quarry operation shall be fully repaired. The bond or other financial guarantee shall not be released until all repairs have been fully inspected and found to be acceptable by the affected governmental entity.
- (3) **Development Standards:**
 - a. All of the standards included in Section 3.01 shall apply.
 - b. All of the regulations included in Sections 4.03(k) and 4.03(l) shall apply.
 - c. All of the standards included in Section 6.05(e)(l) shall apply.
 - d. Only quarrying activities, as defined in this Resolution, shall be conducted on that part of the lot subject to quarry regulations.
 - e. A quarry shall comply with all of the applicable regulations contained in this Resolution for the zoning district in which it is located.
 - f. That area of the lot subject to quarry regulations shall be fully enclosed along its perimeter by an earthen mound, opaque or Board of Zoning Appeals approved fence. The earthen mound or fence shall be a minimum of eight (8) feet in height and maintained in good condition and repair with appropriate security appurtenances.
 - g. The area available for ingress and egress shall be a minimum of 60 feet in width and constructed of an all weather surface. Access ways shall be constructed of an all-weather surface of not less than 24 feet in width and shall be maintained free of dust at all times. A suitable area, with a radius of 55 feet, shall be provided at the point of termination of all access ways for a turnaround for firefighting and emergency apparatus. All entrances and exits to public roads shall be gated, which shall be locked when the operation has been closed for the day.

- h. Blasting shall not be permitted in conjunction with the quarry operation on the lot.
- i. Any accessory building or structure erected on the lot shall be completely removed from the lot upon cessation of mining activities or the termination of the conditional zoning certificate if it does not comply with the standards of the zoning district. Thereafter, such building or structure shall be subject to all applicable zoning district standards.

(4) **Maintenance Standards:** See 3.02. 7/21/10

(5) **Conditional Zoning Certificate Application:**

In addition to the items required by Section 6.01 of the Resolution, the applicant shall submit the following information with the application for a conditional zoning certificate:

- a. A map which clearly identifies the area of a subject to quarrying. Said map shall be prepared by and bear the seal of a professional engineer or professional land survey registered with the State of Ohio.
- b. A copy of the surface mining permit as required by Chapter 1514 of the Ohio Revised Code and a copy of all of the information required by Chapter 1514.02 of the Ohio Revised Code. If the conditional zoning certificate is granted, a copy of the surface mining permit as well as the annual report required by Section 1514.03 of the Ohio Revised Code shall be provided by the applicant on an annual basis to the Board of Zoning Appeals.
- c. A copy of the bond or other acceptable financial guarantee as required 514.04 of the Ohio Revised Code. If the conditional zoning certificate is granted, a copy of the bond or other financial guarantee shall be provided by the applicant on an annual basis to the Board of Zoning Appeals.
- d. A schedule of normal hours of operation.
- e. A Reclamation Plan and a copy of the bond related thereto prepared in accordance with Chapter 1514.02 of the Ohio Revised Code, that depicts the grade of the land, drainage courses, storm water management, land cover (landscaping) to prevent soil erosion, and other uses in accordance with the regulations set forth in this Resolution for the zoning district in which the quarry is located. The Reclamation Plan shall include a schedule for its phasing (if any) and completion upon the cessation of quarrying or the termination of the conditional zoning certificate.

(6) **Granting of Conditional Zoning Certificate**

The Board of Zoning Appeals shall act upon an application for a conditional zoning certificate in accordance with the provisions of this Resolution. If a conditional zoning certificate is granted by the Board of Zoning Appeals, it shall be valid for a period of ten (10) years from the date of issuance provided that, said certificate may be extended in intervals up to five (5) years, if all previous conditions have been complied with. The conditions of the zoning certificate shall be reviewed annually by the Board. Modification to the original conditions shall meet conditional uses in existence at the time of any such extension. No conditional zoning certificate shall be transferred or assigned to another owner or lessee.

(d) **Recreation Facilities:** (7/21/10)

- (1) **Location and Access:** Recreation facilities shall be a conditional use in the B-1, B-1A, and B-4 Districts and shall comply with 3.07.
- (2) **Development Standards:** See 3.01 and in setting conditions the Board of Zoning Appeals shall consider the following:
 - a. The need for a sufficient buffer zone between the recreation facility, its accessory uses and the adjacent uses.
 - b. Lot areas, type of construction, parking facilities, traffic, fire hazards, offensive odors, smoke, fumes, noise and lights, the general character of the neighborhood, the nature and use of other premises, and the location and use of other buildings in the vicinity, and whether or not the proposed use will be detrimental to neighborhood property.
- (3) **Maintenance Standard:** See 3.02.

(e) **Hospitals:**

- (1) **Location and Access:** Hospitals shall be a conditional use in the B-1A, B-3, and B-4 Districts and shall comply with 3.07. (7/21/10)
- (2) **Development Standards:** In addition to the other standards of this Resolution, see 3.01, side and rear yards shall be screened from adjoining lots with a six (6) foot high fence, wall or dense hedge unless such yards are used for approved joint parking or circulation. Where a hospital lot is contiguous with any Residential District boundary as shown on the official township zoning map, a minimum buffer zone setback maintained within the hospital lot shall be 200 feet. There shall be no buildings, structures, uses, off-street parking spaces or signs in the buffer zone setback. 9/3/08
- (3) **Maintenance Standards:** See 3.02.

(f) **Billboards** (7/21/10)

- a. Conditional zoning certificate required: A billboard is an off-premises advertising sign and shall be classified as a conditional use. It shall be subject to applicable paragraphs in Article 6. (7/21/10)
- b. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this Resolution. Alteration shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and such alteration shall not require the issuance of a conditional zoning certificate.
- c. A billboard shall be classified as a business use and may be allowed in any commercial or industrial district or on lands used for agricultural purposes. Billboards shall be prohibited in all other zoning districts.
- d. Conditions: No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued therefor unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.
 1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to

traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.

2. A billboard shall be the principal use of the lot on which it is located.
3. Billboards shall be spaced a minimum of 500 feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.
4. A billboard shall be setback a minimum of 500 feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
5. A billboard shall be setback a minimum of 500 feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.
6. A billboard shall be setback a minimum of 50 feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
7. A billboard shall be setback a minimum of 100 feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
8. A billboard shall be setback a minimum of 50 feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
9. A billboard shall be setback a minimum of 500 feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
10. A billboard shall be setback a minimum of 500 feet from any building on a lot. The distance shall be measured from the

- nearest portion of a building to the nearest portion of the billboard.
11. The maximum height of a billboard shall be 35 feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
 12. The maximum sign face of a billboard shall be 300 square feet.
 13. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.
 14. A billboard projecting over a driveway shall have a minimum clearance of 13'-6" between the lowest point of the sign and the finished driveway grade.
 15. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal.
 16. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
 17. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
 18. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
 19. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.

20. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.
21. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
22. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
23. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

- (g) **Self-Storage Facilities:** (Effective 8/18/00)
- (1) **Location and Access:** Self storage facilities shall be a conditional use in the B-1 District and shall comply with 3.07. (7/21/10)
 - (2) **Maintenance Standards:** See 3.02. (7/21/10)
 - (3) **Landscaping:** A landscaping buffer or other natural or man-made features may be required in any front yard and in any side or rear yard abutting a Residential District. All lights shall be shielded to direct light onto the storage buildings and away from adjacent property, and shall utilize down direct lighting that will not beam upwards into the sky, but may be of sufficient intensity to discourage vandalism and theft.
 - (4) **Maximum Floor Area:** No individual Self-Storage rental unit shall exceed 2,000 square feet of floor area.
 - (5) **Parking area:** The required parking shall not be located in the loading area of self-storage rental units.
 - (6) **Building and Safety Requirements:** All construction shall conform to the Ohio Basic Building Code and the National Fire Protection Association Code as determined by the Geauga County Building Department. Each self-storage rental unit facility shall contain, at a minimum, the following requirements:
 - a. An alarm system shall be installed and maintained at all times that will provide for rapid notification to a central monitoring station who shall notify the dispatch service for the Township Fire Department. The alarm system shall utilize a system of heat detectors that will detect the rate of rise of heat. The system shall contain a battery backup.
 - b. The minimum distance between buildings shall be twenty (20) feet, so long as no parking is permitted in between the buildings, and in the event any parking spaces are designated between buildings, the minimum distance shall be increased to thirty (30) feet between such buildings.
 - c. The ingress and egress for such facility shall provide for a hard surface of a minimum of a fifteen (15) foot wide lane with a radius of fifty (50) feet at all cul-de-sacs or turnarounds in order for fire and other safety vehicles to be able to turn in and out of the facility.
 - d. Each facility shall install a Knoxbox, or similar equipment approved by the Township Fire Department, which will allow immediate access by the Township Fire Department to open the box and obtain any keys,

access or scan cards or similar unlocking devices in order for the Township Fire Department to gain immediate access to every unit in the facility.

- e. Each operator of a self-storage rental facility shall require of each tenant, and include in each lease that no explosives, ammunition or highly hazard or highly flammable materials be stored at any time at such facility. In addition, the lease shall contain a requirement to allow the operator of the facility, the Township Fire Department and the law enforcement agencies having jurisdiction in the Township to inspect each rental unit, for either routine inspections, or upon belief that property may be stored in such units, which may either be contraband, or a violation of the Zoning Code, or the criminal or penal laws of the State of Ohio and all other political subdivisions having jurisdiction within the Township, which consent shall include the right for such agencies to use any and all equipment, animals, and other investigative techniques to insure compliance with the laws of the United States, the State of Ohio, Geauga County and the Township. The lease shall specifically provide that each tenant waives their right to object to such inspections and consents to such periodic inspections as deemed appropriate or necessary by the operator of the facility or such governmental agencies. The lease shall contain a provision prohibiting the tenant, its invitees, licensees or any other persons who enter upon the premises from smoking any tobacco products, any other combustible products or similar instruments, devices or products that can be ignited and inhaled.
- f. The self-storage units shall not contain electrical outlets for use by the tenant of such facility, in order to avoid the opportunity for any activities to be engaged in at the unit beyond the mere storage of property in the unit.
- g. No refrigerated storage units shall be permitted in any such facility.
- h. Whenever any self-storage facility contains any buildings that are set back greater than three hundred (300) feet from the main entrance from a road, the operator shall install and properly maintain a dry standpipe system from the road right-of-way to a point no more than twenty-five (25) feet from the front of the first building on such property that is set back greater than three hundred (300) feet from the road entrance, unless the Township Fire Department determines, in any particular case, that the dry standpipe requirement shall not be required. The operator shall comply with the then existing standards of the Fire Department, but at a minimum, shall install a dry standpipe within twenty-five (25) feet of the road right-of-way and an additional dry

standpipe within twenty-five (25) feet of the first building located greater than three hundred (300) feet from the road entrance.

- i. When the Board of Zoning Appeals deems appropriate, it shall require each self-storage operator to install and maintain, at all times, one or more signs that are readily visible to all tenants of the self-storage rental units that flammable or dangerous materials may be encountered at the self-storage facility and they should enter at their own risk. However, nothing contained in this section shall be construed to allow or permit such materials to be stored in such units. The Board of Zoning Appeals shall also determine the locations at the facility where no smoking signs shall be installed, such locations to be based upon the Board's determination of the most likely places for said signs to be observed by persons entering the facility and require such signs to be installed at the appropriate locations.
- j. Each prospective tenant shall be required to provide two forms identification of the tenant to the operator, one of which shall be photographic identification such as a driver's license, State of Ohio identification card, or passport. A copy of such tenant identification cards shall be maintained at all times by the operator of the self-storage rental facility.
- k. The self-storage rental facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants as well as fire and police officials when required.
- l. Upon receipt of an application for a conditional use certificate for a self-storage rental facility, the Board of Zoning Appeals may require a review of the proposed facility by the Geauga County Sheriff's Office to determine what safety measures may be required to enhance security and protection of property and surrounding properties, as well as the appropriate amount and location of landscaping in order to provide for drive-by patrolling by law enforcement officials to determine whether or not any unlawful entry or other criminal activity may be taking place at such facility. 8/15/18

- (h) **Child Day Care Facilities.** The conditions for a child day care facility shall be as follows:
- (1) **Location and Access:** Child day care facilities shall be a conditional use in the B1, B-1A, B-4, I-1 districts as licensed by the State of Ohio and shall comply with 3.07. (7/21/10)
 - (2) **Development Standards:** In addition to the other standards of this Resolution (3.01), the child day care facility shall meet the requirements of the State of Ohio.
 - a. Any outdoor activity conducted in conjunction with the child day care facility shall only occur between the hours of 7:30 a.m. and 6:00 p.m.
 - b. The outdoor play area required by the state license shall be within a completely secure fenced play lot or lots which shall be no closer than 100 feet from any lot line in a residential zoning district.
 - c. The applicant shall conform to auditory and visual screening and buffering for any outdoor activities engaged in by children as deemed necessary by the Board of Zoning Appeals.
 - (3) **Building and Safety Requirements:** All construction shall conform to the Ohio Basic Building Code and the National Fire Protection Association Code as determined by the Geauga County Building Department. Each child day care facility shall contain, at a minimum, the following conditions:
 - a. The driveway for ingress and egress for such facility shall consist of a concrete or asphalt surface with a minimum lane width of fifteen (15) feet, and a radius of fifty-five (55) feet at all turnarounds and drop-off and pick-up areas in order for school buses, fire, and other safety vehicles to be able to turn in and out of the facility. The drop-off and pick-up area shall be secure and safe for the children and shall not impede traffic flow.
 - b. Proper and adequate signage per 5.02 (i) (3) and 5.02 (i) (6) shall be installed to alert all vehicles as to the drop-off and pick-up area for children and to warn all vehicles the existence of a child day care facility. (3/6/13)
 - c. The child day care facility shall have a least one building entrance/exit dedicated solely for its use.
 - d. The Zoning Board of Appeals may request professional studies that may include, but not be limited to, noise analysis, visual screening, and

traffic studies. These studies, if required, shall be provided at the applicant's sole expense.

(4) **Required Parking Spaces:** Off-street parking spaces shall conform to the requirements specified in Schedule 4A.09 (c).

a. **Location:** Off-street parking and loading areas shall be located in compliance with the minimum setbacks, measured from the road right-of-way or lot line, as specified in Schedule 4A.09 (d), unless otherwise noted.

(i) **Auto Service Station.**

(1) **Location and Access:** Auto Service Stations shall be a conditional use in B-1 and B-3 Districts and shall comply with 3.07. (7/21/10)

(2) **Development Standards:** In addition to 3.01 the following conditions shall apply:

a. Fuel pumps must be under cover. The height of the underside of the canopy over the pumps shall be no greater than 16.5 ft.

b. All gasoline and fuel storage shall be underground.

c. All other storage shall be in a completely enclosed building.

d. Dumpsters/trash receptacles shall be located a minimum of fifty (50) feet from an adjoining zoning district. It shall be screened from adjacent lots and the road right-of-way. Incineration facilities are prohibited.

e. Fuel pumps and pump islands shall be located a minimum of fifty (50) feet from any adjacent property line, and not less than thirty (30) feet from any right-of-way.

(3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:

a. All routine maintenance and service of vehicles, other than the dispensing of fuel, oil, air, and windshield washer fluid, shall be in a completely enclosed building.

b. Vehicle storage, except short term parking (72 hours or less) for customer vehicles, shall be in a completely enclosed building.

(j) **Auto Repair Garage:**

- (1) **Location and Access:** Auto repair garages shall be a conditional use in the B-1 District and shall comply with 3.07. (7/21/10)
- (2) **Development Standards:** In addition to 3.01 the following conditions shall apply:
 - a. Dumpsters/trash receptacles shall be located a minimum of fifty (50) feet from an adjoining zoning district. It shall be screened from adjacent lots and the road right-of-way. Incineration facilities are prohibited.
 - b. All storage of supplies shall be within completely enclosed buildings.
- (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
 - a. Repairs or servicing of vehicles shall be within completely enclosed buildings.
 - b. No more than 3 vehicles per bay may be stored outside a completely enclosed building. Vehicles must be stored in an area which is screened from the roadway and adjacent lots. No vehicle can be stored for more than twenty-one (21) consecutive days.
 - c. The repair, rebuilding, reconstruction and/or other services of vehicles with a gross vehicle weight rating of 26,001 pounds or more shall be prohibited.

(k) **Car Wash:**

- (1) **Location and Access:** Car Washes shall be a conditional use in B-1 and B-3 Districts and shall comply with 3.07. (7/21/10)
- (2) **Development Standards:** In addition to 3.01 the following conditions shall apply:
 - a. All washing facilities shall be located within an enclosed building. The opening height of any bay shall be no greater than ten (10) feet.
 - b. All vacuum cleaners and customer trash receptacles must be located behind the car wash building and screened from adjoining lots and the road right-of-way.
 - c. Storage of supplies shall be within a completely enclosed building.
 - d. Dumpsters/trash receptacles shall be located a minimum of fifty (50) feet from an adjoining zoning district. It shall be screened from adjacent lots and the road right-of-way.

- (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
 - a. All wastewater shall be contained, treated, and/or recycled meeting Ohio E.P.A. standards and regulations.
 - b. Vehicle storage is not permitted.

- (l) **Automobile Sales:** (7/21/10)
 - (1) **Location and Access:** Auto sales shall be a conditional use in the B-1 District and shall comply with 3.07.
 - (2) **Development Standards:** In addition to 3.01 the following conditions shall apply:
 - a. Dumpsters/trash receptacles shall be located a minimum of fifty (50) feet from an adjoining zoning district. It shall be screened from adjacent lots and the road right-of-way. Incineration facilities are prohibited.
 - b. All storage of supplies shall be within completely enclosed buildings.
 - (3) **Maintenance Standards:** In addition to 3.02 the following conditions shall apply:
 - a. Repairs or servicing of vehicles shall be within completely enclosed buildings.

- (m) **Churches** (7/21/10)
 - (1) **Location and Access:** Churches shall be a conditional use in R-1 and R-2 Districts and shall comply with 3.07.
 - (2) **Development Standards:** See 3.01.
 - (3) **Maintenance Standards:** See 3.02.

- 5.04 **FIRE PROTECTION POND:** A platted subdivision containing ten (10) or more total sublots, or a building or group of buildings on a lot containing more than 20,000 square feet of gross floor area, shall include a pond for fire protection constructed by the developing owner in accordance with the current standards and specifications of the Natural Resources Conservation Service, and shall be so located as to permit access by firefighting and emergency vehicles. The fire protection pond shall be constructed within the initial phase of said subdivision. (11/16/05)

5.05 PROHIBITED USES IN ALL ZONING DISTRICTS

- (a) Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect or a variance has been granted.
- (b) Short term rental of a dwelling, in whole or in part, involving transient occupancy for thirty (30) consecutive days or less by persons other than the owner for which the owner receives monetary compensation pursuant to a rental agreement shall be prohibited. This shall not apply to a bed and breakfast for which a conditional zoning certificate has been issued as set forth in this Resolution. (11/29/2020)

ARTICLE 6

ADMINISTRATIVE PROVISIONS

6.01	Process	6.05	Board of Zoning Appeals Created
6.02	Zoning Inspector	6.06	Amendments
6.03	Commission	6.07	Violations and Penalties
6.04	Trustees		

6.01 PROCESS: No development defined in this Resolution shall begin prior to the issuance of a Zoning Certificate therefore by the Zoning Inspector. The process for obtaining such certificate is illustrated in Appendix D. 5/19/04, 8/15/18

(a) **Applications:** The following applications accepted for processing by the Zoning Inspector shall be required.

(1) **Zoning Certificate:** Depending on their proposed uses, zoning certificate applications shall be processed as follows. 8/15/18

a. Proposed permitted main uses in flood prone areas or permitted main or accessory uses in B and I Districts shall be acted on by the Commission prior to action by the Zoning Inspector. See 6.02(a) and 6.03 (a). (Effective 7/31/02)

b. Proposed permitted main and accessory uses in R-1 and R-2 Districts – except main uses in flood prone areas shall be acted on by the Zoning Inspector. See 6.02 (b).

(2) **Conditional Use:** Depending on their proposed uses, conditional use applications shall be processed as follows.

- a. Proposed conditional uses except quarries shall be acted on by the Commission and Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.03 (a) and 6.05 (e). 8/15/18
 - b. Proposed quarries shall be acted on by the Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.04 (a) and 6.05 (a) and (e). 8/15/18
- (3) **Appeal:** Appeal applications based on any alleged error in the interpretation or administration of the Resolution affected by the Zoning Inspector shall be acted on by the Board; and Zoning Certificate issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a) and 6.05 (d). 8/15/18
 - (4) **Amendment:** Amendment application made by one or more owners or lessees of property in the area affected shall be acted on by the Commission and Trustees. See 6.02 (a) and 6.06.
- (b) **Required Data:** The following application data in triplicate shall be provided by the applicant.
- (1) **Forms:** Each application shall include an application form supplied by the Zoning Inspector, and completed and certified by the applicant.
 - (2) **Legal Descriptions:** Each application shall include a legal description of the subject lot or lots as recorded with the Geauga County Recorder; or, in the case of a platted subdivision, a copy of the plat showing the subject lot or lots as recorded with the Geauga County Recorder.
 - (3) **Development Plans:** Unless waived or modified by the Zoning Inspector, each application shall include a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures and development including finished grades at contour intervals of two (2) feet.
 - (4) **Property Owner Lists:** Each conditional use, appeal and amendment application shall include a list of the names and addresses of all current owners of lots contiguous to or across any road from the subject lot or lots. 11/19/13
 - (5) **Other Data:** If required by the Zoning Inspector, Commission, Trustees or Board, the following data shall be included.
 - a. Vicinity maps drawn to scale showing existing topography (U.S. Geological Survey or better), drainage courses, tree cover, land uses, zoning districts, and existing and proposed subdivisions and improvements relative to the subject lot or lots.

- b. Architectural and engineering drawings of proposed overall site development and separate structures and improvements.
- c. Reports on market research, traffic analysis, soil tests, water table records, environmental impact studies, and appraisals.
- d. Development schedules and data on planned employment, occupancy and operations.
- e. Legal data such as proof of ownership, certifications by applicable agencies on the legal nature of proposed uses and common open space documents.

(5) Development Plan Review Required: Development Plan Review is required for Planned Business Development in the B-1A, B-3 and B-4 Districts and for all permitted uses in the B-2 District. See Article 8. (9/6/01)

(6) Fees: The Trustees shall adopt a schedule of fees for the applications required by the Resolution; and such fees specified on their respective application forms may be changed only by the Trustees.

(7) Action Dates: The following dates related to the processing of applications required by the Resolution shall apply.

- a. **Filing Date:** The filing date of each application shall be the date when all its required data and fees have been accepted by the Zoning Inspector, and certified by him on the application form.
- b. **Approval or Denial Dates:** For zoning certificate applications these dates shall be the date of action by the Zoning Inspector; for conditional use and appeal applications they shall be the date of action by the Board; and for amendment applications the approval date shall be the effective date of the amendment, and the denial date shall be the date of denial by the Trustees or a referendum. 8/15/18

6.02 ZONING INSPECTOR: The position of Zoning Inspector established according to Chapter 519 of the ORC shall have the following powers and duties under this Resolution.

- (a) **Application Referrals:** Within five (5) days after the filing dates of certain applications, the following referrals shall be made by the Zoning Inspector.
 - (1) **Highway Director:** The Highway Director shall be notified by certified mail of any application affecting land within 300 feet of the centerline of any proposed new or changed highway certified by him to the Township, or land within a radius of 500 feet from the point of intersection of such centerline and any road. No such application shall be approved for 120 days after

receipt by the Highway Director of notice thereof; and if within this period he notified the Zoning Inspector that the State shall proceed to acquire any of the subject land, the application shall be denied. 11/19/13

- (2) **Commission:** All applications proposing permitted main uses in flood prone areas or permitted main or accessory uses in B or I Districts, conditional uses except quarries, or amendments shall be referred to the Commission. See 6.03 (a). (Effective 7/31/02)
 - (3) **Board:** All conditional use and appeal applications shall be referred to the Board. See 6.05 (a) and (c) and 6.05 (e).
- (b) **Zoning Certificate Applications:** Within 30 days after its filing date and action by the Commission if applicable, or further time agreeable to the applicant, each zoning certificate application shall be acted on by the Zoning Inspector as follows. 8/15/18
- (1) **Approval:** If the application complies with all applicable provisions of the Resolution it shall be approved; and a Zoning Certificate shall be issued. 8/15/18
 - (2) **Denial:** If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and right to appeal shall be returned to the applicant by certified mail. Within 20 days after receipt thereof, the applicant may appeal. See 6.02 (a)(4).
- (c) **Conditional Use Applications:** If directed by the Board, the Zoning Inspector shall issue a conditional use certificate specifying all conditions of approval by the Board of a given conditional use application; and a Zoning Certificate shall be issued. See 6.05 (e). 8/15/18
- (d) **Appeal Applications:** If directed by the Board, the Zoning Inspector shall issue a variance specifying all limitations of approval by the Board of a given appeal application; and a Zoning Certificate shall be issued. See 6.05 (c) and (d). 8/15/18
- (e) **Notices and Orders:** (Effective 2/5/03)
- (1) **Revocation:** A zoning certificate shall be revoked by the Zoning Inspector if:
 - a. The zoning certificate has been issued in error by the Zoning Inspector.
 - b. The zoning certificate was issued based upon a false statement by the applicant.

- c. The development or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if development has begun within six (6) months and said development has not been completed within two (2) years from the date of issuance.
- (2) **Revocation Notice:** When a zoning certificate has been declared revoked by the Zoning Inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township Board of Zoning Appeals in accordance with Article 6 of this Resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued. Continuance of construction after the owner has received this notice shall be a violation of the Resolution. See 6.07. (Effective 2/5/03)
- (3) **Violation:** If any development, use or structure is believed by the Zoning Inspector to be in violation of the Resolution, it shall be cited; and notice thereof giving the violations, required remedies and right to appeal shall be sent to the owner of the property by certified mail. Said owner shall be deemed in violation of the Resolution if, after 20 days, response has not been received. See 6.07. (Effective 2/5/03)
- (4) **Stop Orders:** If any development subject to the Resolution is found to have begun without a Zoning Certificate, or if any development, use or structure is believed by the Zoning Inspector to be a threat to public health or safety, it shall be ordered to stop immediately; and notice thereof giving the date of the order shall be posted on the property. Continuance of development, use or occupancy, or removal or defacement of the order prior to written authorization by the Zoning Inspector to do so, shall be a violation of the Resolution. See 6.07. 8/15/18
- 6.03 COMMISSION:** The Commission established according to Chapter 519 of the ORC shall have the following powers and duties under this Resolution. (Revised 12/18/99).
- (a) **Application Referrals:** The Commission shall assist the Zoning Inspector and Board in their consideration of certain zoning certificate and conditional use applications referred by the Zoning Inspector. See 6.02 (a) (2). 8/15/18

- (1) **Standards:** The following standards shall be used by the Commission in its review and action on each application.
 - a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Commission to submit other data. See 6.01 (b) (5).
 - b. The application shall demonstrate that all applicable development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.
 - c. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4 and 5.
- (2) **Action:** Each application referral shall be recommended by the Commission for approval or denial based on the preceding standards. A copy of this action shall be transmitted by the Commission to the Zoning Inspector in the case of zoning certificate applications, and to the Board in the case of conditional use applications. In either case, no action shall be taken by the Zoning Inspector or Board for 30 days after the filing date of each application, or further time agreeable to the applicant. 8/15/18

(b) **Amendments:** See 6.06.

6.04 TRUSTEES: The Trustees shall have the following powers and duties under this Resolution.

(a) **Amendments:** See 6.06.

6.05 BOARD OF ZONING APPEALS CREATED: Pursuant to R.C.519.13, the Board of Township Trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated area in the township included in the area zoned.

The terms of all members of said Board of Zoning Appeals, shall be of such length and so arranged that the term of one (1) member shall expire each year.

Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary.

(a) **Powers of the Board of Zoning Appeals:** The Township Board of Zoning Appeals may:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised code or of this Resolution.
- (2) Authorize, upon appeal, in specific cases such variance from the terms of this zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- (3) Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this Resolution.
- (4) Revoke an authorized conditional zoning certificate granted for the extraction of minerals. If any condition of the or certificate is violated, the Township Board of Zoning Appeals shall notify the holder of the certificate by certified mail of its intent to revoke the certificate and of his right to a hearing before the Township Board of Zoning Appeals, within thirty (30) days of the mailing of this notice. If he so requests. If the holder requests a hearing, the Township Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Township Board of Zoning Appeals may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the Township Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the Township Zoning Inspector from whom the appeal is taken.

(b) **Rules, Organization, and Meetings of Board of Zoning Appeals**

- (1) The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the

Board of Zoning Appeals determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record.

- (2) The attendance of three (3) members of the Board of Zoning Appeals is required for a quorum. All decisions, motions, and actions of the Board of Zoning Appeals shall be by the affirmative vote of at least three (3) members of the board.

(c) Procedures of Board of Zoning Appeals

- (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning Inspector by filing with the Zoning Inspector or the Board of Zoning Appeals, a notice of appeal specifying the grounds of appeal. The Zoning Inspector shall forthwith transmit to the board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- (2) Written notices of appeal shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language: “The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000) or both.”

All completed notices of appeal shall be filed with the township Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the following information.

- a. The names, address, and telephone number of the appellant.
- b. The names, address and telephone number of the owner of record.
- c. The address of the property, if different from the appellant’s current address.

- d. The names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the road from the subject property). 11/19/13
- e. Documentation as to authority to file the notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
- f. A legal description of the property, as recorded with the Geauga County Recorder.
- g. The current zoning district in which the property is located.
- h. A description of the existing use of the property.
- i. A description of the proposed use of the property.
- j. Eight (8) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 - 1. The dimensions (in feet) of all property lines and the total acreage of the property.
 - 2. The dimensions (in feet) of existing buildings or structures on the property, if any.
 - 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
 - 4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alterations to existing buildings or structures.
 - 6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 - 7. The height (in feet) of existing buildings or structures on the property.

8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the property.
 10. The number of dwelling units existing (if any) and proposed for the property.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial or industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the property.
- k. The number of the application for the zoning certificate
- l. All notices of appeal for signs shall include, at a minimum, the following information:
1. Eight (8) copies of a drawing or map, drawn to scale with a north arrow and date showing:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign in square feet (per sign face).
 - c. The location of the sign on the building, structure or property including dimensions (in feet) from the front and side lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.
- m. For notices of appeal alleging error by the Zoning Inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the Zoning

Inspector in his determination of the application for the zoning certificate.

- n. For notices of appeal requesting a variance the appellant or his representative shall provide the following:
 1. A statement relative to the exact nature of the variance requested.
 2. The specific zoning regulation(s) shall be cited from which the variance is requested.
 3. Written justification for the variance shall be made by the appellant and the Board of Zoning Appeals shall determine if the proposed variance involves an “area” variance or a “use” variance.
 - (a) Standards for an “Area” Variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to the following:
 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely affect the delivery of governmental services.
 5. Whether the property owner purchased the property with the knowledge of the zoning restriction.
 6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 8. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
- (b) Standards for a “Use” Variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to the following:
1. Whether there are conditions unique to this lot, and not ordinarily found in the same zoning district. (5/19/04)
 2. Did the applicant create these hardship conditions? (5/19/04)
 3. Whether granting the variance would adversely affect the rights of adjacent owners. (5/19/04)
 4. Whether the variance would adversely affect the delivery of governmental services or the health, safety and general welfare of the public. (5/19/04)
 5. Is the variance sought the minimum which will afford relief to the applicant? (5/19/04)
 6. Is there another economically viable use for the lot which is permitted within this zoning district? (5/19/04)
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. (5/19/04)
- o. The appeal fee shall be paid at the time of the submission of the application.

(d) **Appeal Applications**

- (1) **Action:** The Board of Zoning Appeals shall fix a reasonable time for a public hearing on the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the Board. The public hearing on the appeal may be continued from day to day for good cause shown.
- The Board of Zoning Appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted: notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.
- (2) **Hearings:** Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:
- a. Any person may appear in person or by attorney.
 - b. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the Board of Zoning Appeals.
 - c. A party in interest shall be allowed:
 1. To present his position, arguments, and contentions;
 2. To offer and examine witnesses and present evidence in support thereof;
 3. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;
 5. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
 - d. *Replacement Page 5/19/04*
The Board of Zoning Appeals shall be provided with the original plus eight (8) copies of all exhibits submitted by a party in interest. All

exhibits submitted shall be marked for identification by the Board and safely kept and preserved by the Board.

- e. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.

(3) **Decisions:** Decisions of the Board of Zoning Appeals shall be in accordance with the following:

- a. All decisions shall include findings of fact of the Board in support of the decision.
- b. A decision of the Board and the adoption of findings of fact shall be made at a public meeting of the Board. The decision and the findings of fact of the Board shall be in writing and signed at a public meeting of the Board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
- c. The original written decision and findings of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits, and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the Township Clerk within five (5) days of the signing of the written decision and findings of fact by the Board of Zoning Appeals.
- d. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail within two (2) days of the signing of the written decision to the Township Zoning Inspector and the appellant.
- e. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in ORC2505.07 for purposes of appeal to the court of common pleas pursuant to ORC. Chapter 2506.

(4) **Supplementary Conditions on Variances:** The Board of Zoning Appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this Resolution and which the Board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings

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and shall be incorporated into the final decision by the Board approving a variance. Violations of such supplementary conditions, which are made a part of the written decision of the Board, shall be deemed a violation of this Resolution. (5/19/04)

- (e) **Conditional Use Applications:** The Board shall act on all conditional use applications referred by the Zoning Inspector. See 6.02(a)(4).
- (1) **Standards:** The following standards shall be used by the Board in its review and action on each application.
- a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Board to submit other data. See 6.01 (b)(5).
 - b. The application shall demonstrate that all applicable and development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.
 - c. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4, 4A and 5, particularly 5.03.
 - d. The development and uses proposed shall be in no way harmful or objectionable to the surrounding area, or impair its orderly development; and the application together with conditions required by the Board shall clearly demonstrate that the proposed development and use shall be in harmony with the surrounding area and neighborhood.
- (2) **Action:** The Board shall act on each conditional use application as follows.
- a. **Public Hearing:** Within 40 days after its referral by the Zoning Inspector to the Board, or further time agreeable to the applicant, the application shall be considered at a public hearing held by the Board. Notice of the date, time, place and subject of the hearing shall be published in one or more newspapers of general circulation in the Township, and sent by first class mail to the applicant and all owners of lots contiguous to or across any road from the subject lot or lots, at least ten (10) days prior to the hearing. The following items shall be considered at the hearing: 11/19/13

1. Findings and recommendations by the Commission or Trustees. See 6.03 (a).
 2. Opinions from the floor in person or by attorney.
 3. Steps proposed by the Board to be taken in acting on the application including an additional hearing if it is mutually agreeable to the Board and applicant.
- b. Vote: Within 30 days after its public hearing, or further time agreeable to the applicant, the application shall be approved or denied by the Board as follows.
1. Approval: If the application together with any conditions required by the Board complies with all applicable provisions of this Resolution, it shall be approved; and a copy of this action and all conditions of approval shall be transmitted by the Board to the Zoning Inspector. See 6.02 (c).
 2. Denial: If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and right to appeal shall be returned to the applicant by certified mail. The applicant may appeal to any court of competent jurisdiction according to law.

6.06 AMENDMENTS: This Resolution may be amended as follows.

- (a) **Initiation:** An amendment may be initiated by a Commission motion, Trustee resolution or amendment application. See 6.01 (a)(4).
- (b) **Commission Hearing:** Within 40 but not less than 20 days after the Commission motion or Trustees resolution, or the filing date of the application, the Commission shall hold a public hearing thereon.
 - (1) **County Referral:** Within five (5) days after the Commission motion or Trustees resolution, or the filing date of the application, a copy of the motion, resolution, or application and map, in addition to the text of the amendment shall be transmitted by the Commission to the County Planning Commission. All recommendations by the County Planning Commission shall be considered at the public hearing.

- (2) **Property Owner Notice:** At least 10 days before the public hearing, notice of its date, time, place, subject and statement that the matter will subsequently be referred to the Trustees shall be sent by the Commission to all owners of lots contiguous to or across any road from the subject lot or lots. Such notice may be waived in cases with more than 10 such property owners; and failure to deliver the notice shall not invalidate the amendment. 11/19/13
- (3) **Published Notice:** At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township.
- (c) **Commission Action:** Within 30 days after its hearing, the Commission shall recommend to the Trustees, adoption, adoption with modification or denial of the amendment.
- (d) **Trustees Hearing:** Within 30 days after their receipt of the Commission recommendation, the Trustees shall hold a public hearing on the amendment.
- (1) **Property Owner Notices:** At least 10 days before the public hearing, notice of its date, time, place and summary of the amendment shall be sent by the Trustees to all owners of lots contiguous to or across any road from the subject lot or lots. Such notice may be waived in cases with more than 10 such property owners. 11/19/13
- (2) **Published Notice:** At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township.
- (e) **Trustee Action:** Within 20 days after their hearing, the Trustees shall adopt, adopt with modification or deny the Commission recommendation. A unanimous vote of the Trustees shall be required to modify or deny the Commission recommendation.
- (f) **Effective Date and Referendum:** An amendment shall take effect 30 days after its adoption by the Trustees unless there is presented to them a referendum petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in the last preceding general election at which a Governor was elected. Such petition shall request that the amendment be submitted to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which a referendum vote has been petitioned shall take effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the County Board of Elections that the amendment has been approved, it shall take immediate effect.

- (g) **Filing:** Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

6.07 VIOLATIONS AND PENALTIES: The following provisions shall apply:

- (a) **Zoning Certificates:** Failure to obtain a Zoning Certificate shall be a punishable violation of this Resolution. Each Zoning Certificate shall specify the development and uses authorized; and no other development or uses shall be implied. Should a Zoning Certificate or other authorization be issued by a Township official or employee, which is in violation of any provision of the Resolution, such certificate or authorization shall be null and void. 8/15/18
- (b) **Prevention of Violations:** In addition to the provisions of this Resolution, the Trustees, County Prosecuting Attorney, Zoning Inspector or any owner of property especially damaged by a violation of the Resolution may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The Trustees may employ special counsel to represent them in any proceeding or action brought to prevent or remove a violation of the Resolution.
- (c) **Stay of Proceedings:** An appeal filed in accordance with this Resolution, or as otherwise provided for by law, stays all proceedings in the furtherance of the action appealed from unless the Zoning Inspector certifies to the Board that, by reason of the facts stated in the appeal application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by an order by the Board, or the court of record on the case, to the Zoning Inspector.
- (d) **Penalties:** Violation or failure to comply with any provision of the Resolution shall constitute a misdemeanor. Any person who violates or fails to comply shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day of continuation of a violation or failure to comply may be deemed a separate offense; and the owner, tenant, architect, contractor, agent or any other person found guilty thereof may each suffer the aforementioned penalties.

ARTICLE 7 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

ARTICLE 7

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

7.00	Purpose	7.04	Fees
7.01	Permitted Uses	7.05	Public Utility Exemption
7.02	Conditional Uses	7.06	Site Plan
7.03	Prohibited Areas		

7.00 Purpose

- A. It is the purpose of this Section of the Auburn Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
1. Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 2. To accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
 3. To promote colocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to colocate new wireless telecommunications antennas.
 4. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
 5. To protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
 6. To encourage monopole wireless tower construction where feasible.
- B. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been

duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

7.01 Permitted Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed, or enlarged in the following areas as a permitted use subject to the requirements of this article and upon application for a zoning certificate and issuance of said certificate by the zoning inspector.

- A. A wireless telecommunication antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a colocation on said existing tower.
- B. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in Section 7.02 (M), (T), and (V)(5).

7.02 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged in the B-1, B-3, B-4, and I-1 district(s) or on a lot in any residential district used for lawfully existing nonresidential purposes limited to public safety departments; schools; churches; parks; or federal, state, county, or township buildings, or uses; or in the US 422 right-of-way, as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Section 6.05 of this resolution and the following conditions as well as the regulations specified in this article.

- A. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Gauga County.
- B. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, for Gauga County.

- C. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times.
- D. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.
- E. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 7.06 of this resolution; a detailed description of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.
- F. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.
- G. A wireless telecommunications tower should be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- H. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- I. No more than one (1) warning sign, the maximum size of which shall be six (6) square feet, shall be posted on the site as well as an emergency telephone number. The applicant shall also provide the fire department, the township police (or county sheriff's) department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- J. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA.

Proof of compliance with all FAA criteria shall be required and a copy of the review by the FAA shall be submitted.

- K. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- L. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of ten (10) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site
- M. The colocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 7.01, then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 7.01 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 7.01. If another tower or structure or area set forth in Section 7.01 is technically suitable, the applicant must show that it has requested to colocate on the existing tower and the colocation was rejected by the owner of the tower or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 7.01 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for colocation within 30 days from the receipt of a written request sent by certified mail (return receipt requested) for colocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to colocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for colocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

The applicant shall further demonstrate that colocation is not feasible for the following reasons.

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
 3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
 4. Colocation would violate federal, state, or county regulations.
 5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
 6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- N. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow colocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- O. The owner of any wireless telecommunications tower erected under this section shall be required to accept colocation of any other antenna(s) except upon a showing of technological nonfeasibility as set forth herein.
- P. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- Q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- R. The minimum distance between wireless telecommunications towers including their appurtenant facilities shall be 1,250 feet.

- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for 60 consecutive days, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met. This bond must be filed with the township clerk and proof of current bond must be supplied to township clerk on a renewal due date basis.
- T. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- U. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure.
1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) when such tower, antenna, and appurtenances meets the provisions of this section.
 2. The maximum height of the tower, antenna, or appurtenances shall not exceed ten (10) feet above the highest point of the roofline and the transmission and receiving equipment, where feasible, shall be stored inside the existing building or structure or on the roof in an enclosure. If the wireless telecommunications tower or antenna is located on the roof of a building, it shall be located as far as possible away from the edge of the building. All wireless telecommunications towers, antennae, or appurtenances shall be painted or otherwise treated so as to match the exterior of the building. The foregoing does not preclude the use of small base stations and repeaters on the sides of buildings, utility poles or in ground mounted pedestals.
 3. There shall be no more than two (2) wireless telecommunications tower(s) or antenna(s) mounted on a legally existing building or structure.
 4. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the zoning district in which it is

located, including minimum yards (setbacks), except as may otherwise be specified in this section of the zoning resolution.

5. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same.

V. Free-standing wireless telecommunications towers, antennas, and appurtenances

1. The maximum height of a freestanding monopole wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed 200 feet.
2. The minimum setback from the nearest lot line to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 50% of the height of the tower within any zoning district.
3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be 12 feet. Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground. There shall be no more than one (1) equipment shelter located on a lot in conjunction with a wireless telecommunications tower or antenna. An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.
4. A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity.
5. A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.

7.03

Prohibited Areas

Except as noted in Sections 7.01 and 7.02, wireless telecommunications towers and facilities are prohibited in residential districts and no zoning certificate shall be issued therefor.

7.04 Fees

In addition to general application fees for a zoning certificate, the applicant for a wireless telecommunications tower and appurtenant facilities shall be responsible for all expenses incurred by the township or any technical and or engineering services deemed necessary by the zoning inspector, the board of zoning appeals, or the board of township trustees to perform the reviews and/or inspections set forth in this section of the zoning resolution.

7.05 Public Utility Exemption

- A. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.21(B)(4)(a), the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- B. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a nonresidentially zoned area of the township. The proponent of such a tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:
1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
 5. Whether the good or service is vital;

6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is regulation by a government authority and the extent of that regulation;
8. Whether the applicant possesses the power of eminent domain.

No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services." Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

- C. If the zoning inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.
- D. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:
 1. All requirements of Section 7.05 A through C are met;
 2. The public utility provides both of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language: A description of the property sufficient to identify the proposed location; and
 - 1) The public utility provides both of the following by certified mail:
 - 2) A description of the property sufficient to identify the proposed location; and

- 3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
 - b. Written notice to the board of township trustees of the information specified in subsection D.2.a of this section; and
3. If the board of township trustees receives notice from a property owner under subsection D.2.a.(3) of this section within the time specified in that subsection, or if a trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under subsection D.2.b. of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such a notice from a property owner or the date upon which a trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this zoning resolution shall apply to the tower without exception. If the board of township trustees, however, receives no notice under subsection D.2.a. of this section within the time prescribed by that subsection or no trustee has an objection as provided under this subsection D.3. within the time prescribed by this subsection, the applicant will be exempt from the regulations of this zoning resolution.

7.06 Site Plan

In addition to the information required by this resolution for an application for a zoning certificate, the site plan for a wireless telecommunications tower and appurtenant facilities shall include the following items.

- A. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional engineer.
- B. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.

- C. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate colocation opportunities.
- D. The dimensions of all buildings, structures, driveways, parking area, and all appurtenant facilities shall be provided.
- E. Existing easements of record and proposed easements with dimensions shall be shown.
- F. A copy of a title examination for the subject premises shall be submitted.
- G. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
- H. Proof of compliance with the Water Management and Sediment Control regulations in the Auburn Township's Zoning Resolution with respect to water management and sediment control shall be submitted. (Effective 11/17/04)

ARTICLE 7 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

ARTICLE 8

DEVELOPMENT PLAN REVIEW

8.01	Purpose	8.08	Review Criteria for Planned Business Development
8.02	Development Plan Review Required	8.09	Review Criteria for B-2 “Village” Retail District Development
8.03	Preapplication Meeting Encouraged	8.10	Expiration of Development Plan Approval
8.04	General Development Plan Submission Requirements	8.11	Fees
8.05	Final Development Plan Submission Requirements	8.12	Significance of an Approved Final Development Plan; Plan Revisions
8.06	Review for Completeness		
8.07	Development Plan Review Procedures		

8.01 PURPOSE: The purpose of this Article is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

Development Plan Review is required for Planned Business Development in the B-1A, B-3 and B-4 Districts and for permitted uses in the B-2 District.

8.02 DEVELOPMENT PLAN REVIEW REQUIRED: Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

(a) **General Development Plan.** A general development plan that indicates the general concept of development for an entire site, including the general location of use areas, open space and circulation patterns, shall be required for the following:

- (1) All proposed Planned Business Development.
- (2) Applicants for projects in the B-2 District may, but are not required, to submit a general development plan.

(b) **Final Development Plan.** A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas, shall be required for the following:

- (1) Planned Business Development, following review and approval of a general development plan.
- (2) New construction of all permitted and conditional uses in the B-2 “Village” Retail District.

- (3) Any existing or previously approved development meeting the criteria of subsections (b)(1) and (b)(2) above that proposes to alter, reconstruct, or otherwise modify a use or site; including expanding the floor area of the permitted use, or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

8.03 PREAPPLICATION MEETING ENCOURAGED: The applicant is encouraged to meet with the Zoning Commission, or its designated representative, prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within them. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Inspector. (Effective 7/07/04)

8.04 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS: An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The general development plan shall include the following, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector:

- (a) The location of all existing structures and access points.
- (b) The general location of existing buildings, parking and access drives on parcels within 100 feet of the site.
- (c) The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points.
- (d) Existing and proposed topography, major vegetation features, and wooded areas.
- (e) The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public roads. 11/19/13
- (f) A summary table showing total acres of the proposed development, the number of acres devoted to each type of use, including roads and open space, and the number of dwelling units by type. 11/19/13
- (g) Proposed phases, if the project is to be developed in stages.
- (h) Other information for the evaluation of the general development plan as deemed necessary by the Zoning Inspector.

- 8.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS:** An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.
- (a) An accurate legal description prepared by or certified by a registered surveyor of the state.
 - (b) A property location map showing existing property lines, easements, utilities and road rights-of-way. 11/19/13
 - (c) A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - (1) Proposed fee simple lots for single-family detached dwellings.
 - (2) Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots. The final building location shall be determined by a registered engineer.
 - (3) Location of all public rights-of-way and private roads. 11/19/13
 - (4) Location and configuration of off-street parking areas and loading areas; arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation.
 - (5) Proposed and existing fences, walls, signs and lighting.
 - (6) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles.
 - (7) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and stormwater management.
 - (8) Dimensions of all buildings, setbacks, parking areas, drives and walkways.
 - (d) Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features.
 - (e) Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional architect and/or engineer (plans shall contain their respective seal).
 - (f) Proposed landscaping and screening plans indicating the description of the location and nature of existing and proposed vegetation, landscaping and screening elements, as well as any existing trees to be removed.

- (g) Summary table showing total acres of the proposed development; number of acres devoted to each type of use including roads and open space; and number of dwelling units by type. 11/19/13
- (h) Documentation that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading, surface draining, floodplain and wetland regulations, if applicable.
- (i) Other information for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

8.06 REVIEW FOR COMPLETENESS: The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

8.07 DEVELOPMENT PLAN REVIEW PROCEDURES: Development plans, both general and final, shall be reviewed according to the following procedures.

- (a) **Review of Development Plans.** The Zoning Inspector shall review the submitted application for completeness according to Section 8.06 and, when determined complete, shall distribute the application as follows.

(1) **Review by Zoning Commission.**

- a. The Zoning Inspector shall distribute all applications for development plan review to the Zoning Commission.
- b. The Zoning Commission shall review all development plans according to the appropriate criteria set forth in Section 8.08 or Section 8.09.
- c. When deemed necessary to adequately review and evaluate the proposed development, the Zoning Commission may require that the Zoning Inspector request additional information from the applicant.
- d. The Zoning Commission shall review all proposed development plans, both general and final, at one or more of its public meetings.

- (2) **Review by Auburn Township Fire Department and Other Public Entities.** The application may be transmitted to appropriate township departments and other public agencies for review and comment. Any reports or comments shall be compiled and reviewed by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

- (3) **Review by Consultants.** The application may be transmitted to appropriate professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
- (4) **Review by Geauga County.** If the project includes a subdivision which is subject to review by Geauga County, or otherwise requires County approval, the final development plan shall be submitted to the County Planning Commission for review and comment prior to the approval of a final development plan by the Township.
- (b) **Action by Zoning Commission.** The Zoning Commission shall act on applications for Planned Business Development.
- (1) The Zoning Commission shall make one of the following actions:
- a. Approve the development plan as submitted.
 - b. Approve the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to:
 1. For General Development Plans - improvements to the general lot layout, open space arrangement or on-site control of access to roads. 11/19/13
 2. For Final Development Plans – improvements to the lot layout, open space arrangement, on-site control of access to roads or landscaping specifications. 11/19/13
 - c. Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall indicate the deficiencies and modifications to the development plan that, if made, would bring the development plan into compliance.
- (2) Failure of the Zoning Commission 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 development plan.
- (c) **Action by Zoning Inspector.** The Zoning Inspector shall act on applications for all permitted uses in the B-2 “Village” Retail District.
- (1) The Zoning Commission shall make a recommendation to the Zoning Inspector within 60 days from the date the application was determined complete or an extended period as may be agreed to by the applicant.

- a. The application may be transmitted to appropriate professional consultants for review and comment during this time. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Commission before it makes a recommendation to the Zoning Inspector.
 - b. In the event that the Zoning Commission fails to make a recommendation within 60 days from the date the application was determined complete and the applicant does not agree to an extension, the Zoning Inspector shall make a decision without a recommendation from the Zoning Commission at the end of the 60 day period.
- (2) The Zoning Inspector shall make a decision based on the advice and recommendation of the Zoning Commission except as otherwise noted in subsection (1) above. The development plan shall be:
- a. Approved as submitted; or
 - b. Approved subject to specific conditions not included in the plan as submitted, such as, but not limited to, on-site control of access to roads and landscaping specifications; or ^{11/19/13}
 - c. Denied because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that, if made, would bring the development plan into compliance.

8.08 REVIEW CRITERIA FOR PLANNED BUSINESS DEVELOPMENT: In reviewing plans for Planned Business Developments, the Zoning Commission shall determine that the development plan complies with the following criteria.

- (a) **General Development Plan.** For a general development plan, the Zoning Commission shall determine that:
 - (1) The appropriate use of property within and adjacent to the area will be safeguarded.
 - (2) The general layout of lots, groupings of buildings, and circulation systems within the proposed development are comparable with existing and proposed uses on adjacent property.
 - (3) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.
- (b) **PBD Final Development Plan.** The application is intended to be the basis and standard for the eventual and complete development of the site and should ensure appropriate and compatible future development by others and therefore, for a Planned

Business Development final development plan, the Zoning Commission shall determine that the following information is provided:

- (1) Accommodation for utility easements including fire hydrants, sanitary sewers, and preliminary grading, drainage and stormwater management.
- (2) The general location of buildings depicting the bulk, height and spatial relationships of proposed building masses with adjacent development.
- (3) The character and materials of the buildings shall be compatible with one another throughout the entire development.
- (4) Roadway systems (public and private), service areas, parking areas, entrance, exits, and pedestrian walkways within the development and access to public roads, which minimize traffic hazards or congestion. 11/19/13
- (5) The number and location of access drives limited to reduce curb cuts, cut-through traffic, incidence of left turns, and adverse impact upon adjacent uses.
- (6) Internal directional traffic signage required to assure safe and orderly vehicular and pedestrian traffic.
- (7) Parking areas including circulation routes designed to service front parcels and main, rear or additional parking areas, and to permit travel between all parking areas.
- (8) Parking lot lighting, including style and height, to direct lighting to access drives, pedestrian walkways, parking lots and buildings and not to adjacent residential areas as required by Section 4A.11.
- (9) Accommodation and access for emergency and fire fighting apparatus.
- (10) Screening and enclosure of trash and recycling containers as required by Section 4A.10, so as not to be visible from the public right-of-way or adjoining properties.
- (11) Location of landscaping or screening as required by Section 4A.10.
- (12) Preservation of significant natural features to the maximum extent possible, such as, but not limited to, streambeds, mature stands of trees, individual trees of substantial age or size, and rock outcroppings.
- (13) Management plan or mechanism to provide for the perpetual maintenance of all landscaping and shared parking areas by the ultimate land buyer.
- (14) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.

8.09 REVIEW CRITERIA FOR B-2 “VILLAGE” RETAIL DISTRICT DEVELOPMENT: In reviewing plans for development within the B-2 District, the Zoning Inspector shall determine that the development plan complies with the following criteria.

- (a) **General Development Plan.** For a general development plan, the Zoning Inspector shall determine that:
 - (1) The appropriate use and value of property within and adjacent to the area will be safeguarded.
 - (2) The general layout of buildings, parking and circulation systems within the proposed development are comparable with existing and proposed uses on adjacent property.
 - (3) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.

- (b) **Final Development Plan.** The application is intended to be the basis and standard for the eventual and complete development of the site and should ensure appropriate and compatible future development by others and therefore, for a final development plan, the Zoning Inspector shall determine that:
 - (1) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 - (2) Buildings are in proportion and scale with existing structures and spaces in the surrounding area.
 - (3) Buildings enhance the creation of a small-scale “village” environment and are constructed according to the regulations set forth for the B-2 District in this Resolution.
 - (4) The development will be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 - (5) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
 - (6) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

- (7) The proposed development plan is in accordance with all applicable Auburn Township zoning regulations.

8.10 EXPIRATION OF DEVELOPMENT PLAN APPROVAL: An approved development plan shall remain valid for a period of twelve (12) months following the date of its approval.

- (a) **General Development Plan.** If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Article.
- (b) **Final Development Plan.** If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

8.11 FEES. Fees are as established by the Township Trustees. See also Section 6.01(c).

8.12 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS: An approved final development plan shall become (for the proposed development) a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved final development plan. Any departure from such plan shall be considered a violation of this Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Article.

ARTICLE 9

SEXUALLY ORIENTED BUSINESSES

9.01	Intent	9.05	Location
9.02	Purpose and Findings	9.06	Regulations
9.03	Definitions	9.07	Sign Regulations
9.04	Classifications	9.08	Severability

9.01 INTENT

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** find that there is convincing documented evidence that SEXUALLY ORIENTED BUSINESSES, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that SEXUALLY ORIENTED BUSINESSES, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area: and

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the **Auburn Township Zoning Commission and Board of Township Trustees** have determined that locational criteria will serve to protect the health, safety, and general welfare of the people of this Township; and

WHEREAS, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of SEXUALLY ORIENTED BUSINESSES; and

WHEREAS, it is not the intent of the **Auburn Township Zoning Commission and Board of Township Trustees** to condone or legitimize the distribution of obscene material, and they recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

BE IT ENACTED BY THE **ZONING COMMISSION AND BOARD OF TOWNSHIP TRUSTEES** OF AUBURN TOWNSHIP, OHIO;

9.02 PURPOSE AND FINDINGS

- (1) Purpose. It is the purpose of this amendment to designate areas where SEXUALLY ORIENTED BUSINESSES may be located in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of SEXUALLY ORIENTED BUSINESSES within the Township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this amendment to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.
- (2) Findings. There is substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma Township, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. Said cases and studies have been reviewed by the Township.

9.03 DEFINITIONS

- (1) ADULT ARCADE means any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time: and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (2) ADULT BOOKS. ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas": or

- (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- (3) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) persons who appear in a "state of nudity" or "state of semi-nudity"; or
 - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (c) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - (d) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (4) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (5) ADULT THEATER means a theater, concert hall, auditorium, or other commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (6) COVERING means any clothing or wearing apparel, including opaque pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

- (7) ESTABLISHMENT means and includes any of the following:
- (a) the opening or commencement of any Sexually Oriented Business as a new business;
 - (b) the conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
 - (c) the addition(s) of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
 - (d) the relocation of any Sexually Oriented Business.
- (8) NUDE MODEL STUDIO means any place where a person who appears seminude or who displays specified anatomical areas provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- Nude Model Studio shall not include:
- (1) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
 - (2) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
- (9) NUDITY or a STATE OF NUDITY or NUDE means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic area with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- (10) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- (11) PRINCIPAL BUSINESS PURPOSE means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration whichever is the greater.
- (12) SEMINUDITY or SEMINUDE CONDITION or SEMINUDE means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the male or female buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (13) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact including wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (14) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.
- (15) SPECIFIED ANATOMICAL AREAS means:
- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (16) SPECIFIED SEXUAL ACTIVITIES means any of the following:
- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (c) excretory functions as part of or in connection with any of the activities set

forth in (a) through (b) above.

- (17) SUBSTANTIAL ENLARGEMENT of a Sexually Oriented business means the increase in floor area(s) occupied by the business by more than twenty-five percent (25%), of the floor area existing on the date this amendment takes effect.

9.04 CLASSIFICATIONS

SEXUALLY ORIENTED BUSINESSES are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores; adult cabarets;
- (3) adult motion picture theaters;
- (4) adult theaters;
- (5) nude model studios; and
- (6) sexual encounter centers.

9.05 LOCATION

- (1) Sexually Oriented Businesses shall be classified as a conditional use and may be located only in accordance with the conditions contained below.
- (2) Sexually Oriented Businesses may be located only in those areas that are zoned as an I-1 District.
- (3) No Sexually Oriented Business may be established on any lot which has frontage, borders on or touches U.S. Route 422 (U.S.R. 422) or State Route 44 (SR44).
- (4) No Sexually Oriented Business may be established within 600 feet of:
 - (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of 600 feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- (c) A boundary of a residential district as defined in the Zoning Resolution;
 - (d) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar publicly-owned land within the Township under the control, operation, or management of either the Township or some other public entity;
 - (e) A private entity the mission or purpose of which is dedicated towards children and families;
 - (f) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
- (5) No Sexually Oriented Business may be established within 600 feet of any permanent structure devoted to a residential use as defined in the Zoning Resolution.
- (6) No Sexually Oriented Business may be established, operated or enlarged within 600 feet of another Sexually Oriented Business.
- (7) Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing a Sexually Oriented business may not be increased.
- (8) For the purpose of subsections (4) and (5) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the building or structure of a use listed in subsection (4) and (5).
- (9) For purposes of subsection (6) of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the portion of the building or structure in which each business is located.

9.06 REGULATIONS

- (1) Lot requirements for Sexually Oriented Businesses are those specified for the I-1 District in Articles 4A.04 and 4A.06 of this Zoning Resolution.
- (2) Yard requirements for a Sexually Oriented Business are those specified for I-1 District in Article 4A.07 of this Zoning Resolution.
- (3) Maximum Height Regulations for a Sexually Oriented Business are those specified in Article 4A.08 of this Zoning Resolution.
- (4) Parking requirements for a Sexually Oriented Business are governed by the provisions contained in Articles 4A.04 and 4A.09 of this Zoning Resolution.
- (5) Landscaping and Screening Requirements for a Sexually Oriented Business shall be those specified in Article 4A.10 of this Zoning Resolution.
- (6) Development and Design Guidelines for a Sexually Oriented Business shall be those specified in Article 8 of this Zoning Resolution.
- (7) Noise Regulations for a Sexually Oriented Business shall be those specified in Article 4A.12 of this Zoning Resolution.
- (8) Outdoor Lighting Regulations for a Sexually Oriented Business shall be those specified in Article 4A.11 of this Zoning Resolution.

9.07 SIGN REGULATIONS

- (1) All signs shall be "wall signs," defined as a sign attached to or painted on the wall of a building or structure with the sign face parallel or approximately parallel to the wall, with a maximum allowable sign area of thirty-five (35) square feet as measured in accordance with the standards specified in Article 5.02(i)(8) of this Zoning Resolution, and shall comply with the location and height standards specified in Article 5.02(i)(7) of this Zoning Resolution and the Development and Maintenance Standards specified in Article 5.02(i)(9) of this Zoning Resolution. 3/6/13
- (2) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or road in front of the building. 11/19/13

9.08 SEVERABILITY

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All amendments or parts of amendments in conflict with the provisions of this amendment are hereby repealed.

ARTICLE 10

OPEN SPACE DISTRICTS

10.01 Districts Established

10.02 OS-1 Passive Open Space District

10.03 AP-1 Active Park District

10.01 DISTRICTS ESTABLISHED: The Township hereby establishes the following Open Space Districts:

- (a) **OS-1 Passive Open Space District** is hereby established to promote the health, safety, and general welfare in order to:
- (1) Protect and preserve wilderness areas, open spaces, surface water, and scenic areas.
 - (2) Conserve fish and wildlife.
 - (3) Promote public stewardship of forests and wetlands.
 - (4) Permit public agencies to continue their conservation programs, which include hunting and fishing by the public as a means of maintaining a balanced natural world.
 - (5) Protect, promote and maintain the area's ecosystem.
 - (6) Enhance the public's knowledge of the area's ecosystem.
 - (7) Educate the public with respect to the preservation of natural habitats.
 - (8) Protect groundwater recharge aquifers.
 - (9) Control storm water runoff.
- (b) **AP-1 Active Park District** is hereby established to promote the public health, safety and general welfare in order to:
- (1) Provide recreational facilities for the general population within a park-like setting and atmosphere
 - (2) Promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others.
 - (3) Afford reasonable access by the public to outdoor athletic, social, and educational activities.
 - (4) Achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities.
 - (5) Unlike the Passive Open Space (OS-1) District, the Active Park (AP-1) District recognizes that certain outdoor activities may require the modification and alteration of the natural terrain and disturbance of natural habitat.

10.02 OS-1 PASSIVE OPEN SPACE DISTRICT

- (a) **Principal Permitted Buildings, Structures and Uses.** Only buildings, structures and uses listed in this Section as permitted buildings, structures or uses are allowed in the OS-1 District:
- (1) Agriculture.
 - (2) Non-vehicular trails for bicycling, cross country skiing, hiking and running.
 - (3) Blinds, decks and platforms for nature observation.
 - (4) Buildings, structures and uses for educational and administrative purposes.
 - (5) Ponds or lakes for boating, fishing and swimming.
 - (6) Reservoirs for urban and rural water supply.
 - (7) Passive open space including natural environmental features, water areas, and landscaping that is totally unobstructed by buildings and structures.
 - (8) Hunting in designated areas.
 - (9) Boat docks and launches.
- (b) **Permitted Accessory Buildings, Structures and Uses:**
- (1) Containers and dumpsters for waste materials.
 - (2) Outdoor lighting in accordance with this Resolution, Section 4A.11.
 - (3) Outdoor storage of materials in accordance with this Resolution, Section 5.02
 - (d). ³⁻⁶⁻¹³
 - (4) Maintenance buildings for storage of equipment and materials.
 - (5) Driveways, roads and parking areas shall be developed to blend with the natural features of the landscape and minimize detrimental visual, storm water run off and ecological impacts upon the OS-1 District.
 - (6) Restroom facilities.
 - (7) Signs: Maximum sign face shall not exceed 70 square feet with a minimum setback of at least one foot from any lot line per square foot of sign area. Signs shall be designed and placed to minimize adverse visual and ecological impact upon the OS-1 District.
 - (8) Storm water detention or retention facilities.
 - (9) Water supply and sewage treatment facilities.
 - (10) Bicycle racks.
- (c) **Prohibited Buildings, Structures and Uses:** Any building, structure or use not specifically listed as permitted in subsections (a) and (b) above shall be prohibited.
- (d) **Principal Permitted and Accessory Building, Structure and Use Requirements:**
- (1) Minimum Yards: The minimum yards shall be as follows:
 - a. Minimum front yard setback: 150 feet
 - b. Minimum side yards setback: 100 feet
 - c. Minimum rear yard setback: 100 feet
 - (2) Minimum Lot Width: Minimum lot width shall be 200 feet.

- (3) **Minimum Buffer Zone:** A minimum buffer zone setback maintained within the OS-1 District shall consist of 200 feet, established where the OS-1 District boundary is contiguous with any Residential District boundary as shown on the official township zoning district map. There shall be no buildings, structures or uses and there shall be no off-street parking spaces and signs in the buffer zone setback.
- (4) **Maximum Lot Coverage:** The maximum lot coverage shall be 10%.
- (5) **Maximum Height:** The maximum height of buildings and structures, exclusive of radio and telecommunications towers cited in Article 7 shall be 35 feet.
- (6) **Minimum Distance Between Buildings:** The minimum distance between buildings on the same lot shall be 20 feet. This distance shall be measured in a straight line from an exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.
- (7) **Parking Requirements:**
 - a. **Permitted Outdoor Recreation Uses:** Not more than 1 parking space per 4 acres.
 - b. **Permitted Indoor Activities and Uses:** Not more than 1 space of impervious parking for every 500 square feet of interior floor area. This may be supplemented by not more than 1 space of pervious parking for every 200 square feet of interior floor area.

10.03 AP-1 ACTIVE PARK DISTRICT

(a) Principal Permitted Buildings, Structures and Uses. Only buildings, structures and uses listed in this Section as permitted buildings, structures or uses are allowed in the AP-1 District:

- (1) Outdoor ball fields and games including hardball, softball, soccer, football, lacrosse, rugby, track and field.
- (2) Outdoor skating rinks.
- (3) Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, and shuffleboard courts.
- (4) Picnic grounds and pavilions.
- (5) Playgrounds and playground equipment.
- (6) Swimming pools and pool houses.
- (7) All of the permitted uses allowed in the OS-1 District.

(b) Permitted Accessory Buildings, Structures and Uses:

- (1) Concession stands.
- (2) Grandstands for spectators, limited to four (4) rows in height, thirty (30) feet in length, and two (2) per ball field.
- (3) All of the accessory buildings, structures, and uses allowed in the OS-1 District.
- (4) Outdoor lighting in accordance with this Resolution, Section 4A.11.

- (5) Noise regulations in accordance with this Resolution, Section 4A.12.
- (6) Outdoor storage of materials in accordance with this Resolution, Section 5.02
- (d). 3-6-13

(c) Prohibited Buildings, Structures and Uses: Any building, structure or use not specifically listed as permitted in subsections (a) and (b) above shall be prohibited.

(d) Principal Permitted and Accessory Building, Structure and Use Requirements:

- (1) Minimum Yards: The minimum yards shall be as follows:
 - a. Minimum front yard setback: 150 feet
 - b. Minimum side yards setback: 100 feet
 - c. Minimum rear yard setback: 100 feet
- (2) Minimum Lot Width: Minimum lot width shall be 200 feet.
- (3) Minimum Buffer Zone: A minimum buffer zone setback maintained within the AP-1 District shall consist of 200 feet, established where the AP-1 District boundary is contiguous with any Residential District boundary as shown on the official township zoning district map. There shall be no buildings, structures or uses and there shall be no off-street parking spaces and signs in the buffer zone setback. (9/3/08)
- (4) Maximum Lot Coverage: The maximum lot coverage shall be 10%.
- (5) Maximum Height: The maximum height of buildings and structures, exclusive of radio and telecommunications towers cited in Article 7, shall be 35 feet.
- (6) Minimum Distance Between Buildings: The minimum distance between buildings on the same lot shall be 20 feet. This distance shall be measured in a straight line from an exterior wall or foundation of a building to the nearest exterior wall or foundation of another building.
- (7) Parking Requirements: Not more than 9 parking spaces per acre of active use park.

AUBURN TOWNSHIP ZONING RESOLUTION

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