

ARTICLE 1

TITLE AND ENACTMENT

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- 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 1514. 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.
- 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.

(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. 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) Deleted effective April 14, 2005.
- (e) Deleted effective April 14, 2005.
- (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

1.06

SEPARABILITY: 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