

Held _____

The Regular meeting of the Auburn Township Board of Trustees was called to order at 7:30 p.m. by Chairman Michael S. Troyan. Patrick J. Cavanagh and Michael S. Troyan were present and John A. Eberly participated digitally through Zoom.

The Pledge of Allegiance was led by John A. Eberly.

Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to approve the minutes of the Regular Meeting of the Board of Trustees held on February 1, 2021.
VOTE: Eberly, yes; Cavanaugh, yes; Troyan, yes. The motion passed.

REPORTS:

Chief John Phillips, A.V.F.D., gave the following report for January 2021:

- Total Calls Month of January 2021: 62
- Total Calls Month of January 2020: 74
- 2021 Has 12 January Calls Less Than 2020
- Total Back to Back Calls in January 2021: 6 or 19.35%

Patrick J. Cavanagh reported rentals are starting to pick up at Adam Hall. Because of lack of use this year due to COVID, the water has not cycled through the system much and is causing issues. Mr. Cavanagh and the service department will run the water daily to resolve the problem.

Trustee Cavanagh has found a guest speaker for Memorial Day. Discussion ensued regarding how to adapt the service for COVID and allow for social distancing. We will omit the opening of the Museum after the service and only use Adam Hall as a bad weather event back-up.

The Trustees discussed and approved the following township event dates:

- Saturday, April 24, 2021 – Roadside Litter Pick-Up
- Thursday & Friday, June 3rd & 4th 2021 – Senior Resident Large Item Trash Pick-Up
- Saturday, June 5, 2021- Large Item Trash Drop-Off

Patrick J. Cavanagh noted letters of interest have been coming in for the volunteer positions to serve on the Internet Research Committee. Member appointments will be made at the March 1st meeting of the Board.

OLD BUSINESS:

Michael S. Troyan headed the discussion regarding the proposed Resolution 2021-04 of Convenience and Necessity for the Improvement of additional Roads in Auburn Township. The Fiscal Officer presented numbers regarding available resources on added costs. Discussion ensued. Resolution failed for lack of a motion.

Fredrick May and the Board of Trustees discussed proposed re-financing of current loans.

NEW BUSINESS:

Fredrick May, Fiscal Officer, presented an Appropriations Report, Fund Status Report, Revenue Report and a Payment Report listing warrants 6274 through 6289 for a total of \$16,703.31.

Trustee Troyan presented proposed Zoning Amendments AUB2021-01; AUB2021-02; and AUB2021-03.

Minutes of

Meeting

BARRETT BROTHERS, P.A., 1000 SPRINGFIELD, OHIO

Auburn Township Administration Building February 15, 2021 Page 2

Form 6101

Held

Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to adopt Resolution 2021-07 and initiate the amendment to the Auburn Township Zoning Resolution, identified as number AUB2021-01. VOTE: Eberly, yes; Cavanagh, yes; Troyan, yes. The motion passed

Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to adopt Resolution 2021-08 and initiate the amendment to the Auburn Township Zoning Resolution, identified as number AUB2021-02. VOTE: Eberly, yes; Cavanagh, yes; Troyan, yes. The motion passed.

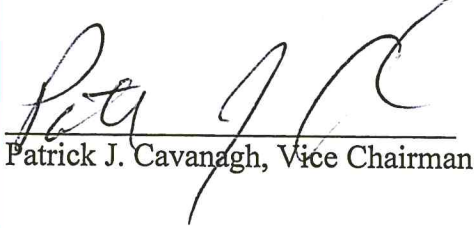
Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to adopt Resolution 2021-09 and initiate the amendment to the Auburn Township Zoning Resolution, identified as number AUB2021-03. VOTE: Eberly, yes; Cavanagh, yes; Troyan, yes. The motion passed.

PUBLIC COMMENTS:

A question regarding a warrant was asked and answered.

Trustee Cavanagh brought up the status of Akron and the fracking issue at LaDue. Akron will not pursue fracking at this time.

Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to adjourn the meeting VOTE: Troyan, yes; Cavanagh, yes. The motion passed. The meeting was adjourned at 7:57 p.m.


Fredrick May, Fiscal Officer
Michael S. Troyan, Chairman
Patrick J. Cavanagh, Vice Chairman
John A. Eberly, Trustee3-1-2021
Date

BOARD OF TRUSTEES MEETING AGENDA
Wednesday, February 17, 2021



REGULAR MEETING –7:30 PM

GUEST:

MINUTE APPROVAL:

- Regular Meeting – February 1, 2021

SCHEDULED REPORTS:

- Chief John Phillips, AVFD

TRUSTEE REPORTS:

- Michael S. Troyan, Chairman
- Patrick J. Cavanagh, Vice Chairman
- John A. Eberly
- Fredrick May, Fiscal Officer

OLD BUSINESS:

- Resolution 2021-04 of Convenience & Necessity for the Improvement of Various Roads in Auburn Township / Bartholomew Rd. & Auburn Glen Drive
- Bond financing / AVFD & Service Garage

NEW BUSINESS:

- Proposed Zoning Amendments AUB2021-01; AUB2021-02; AUB2021-03
- Roadside litter pick-up event/ Saturday, April 24th?
- Resident Large Item Trash Drop Off event/ Saturday, June 5
- Senior Resident Large Item Pick-up event / Thurs.& Friday, June 3 & 4

PUBLIC COMMENT:

ADJOURNMENT:

Payment Listing

UAN v2021.1

2/2/2021 to 2/28/2021

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
6274	02/17/2021	02/17/2021	AW	JUDCO	\$360.00	O
6275	02/17/2021	02/17/2021	AW	G.W. CONSTRUCTION	\$3,075.00	O
6276	02/17/2021	02/17/2021	AW	NANCY DOLEZAL	\$19.21	O
6277	02/17/2021	02/17/2021	AW	ULLMAN OIL CO,	\$161.50	O
6278	02/17/2021	02/17/2021	AW	STAPLES ADVANTAGE	\$57.76	O
6279	02/17/2021	02/17/2021	AW	GEAUGA COUNTY MAPLE LEAF	\$319.00	O
6280	02/17/2021	02/17/2021	AW	AUBURN BOY SCOUTS TROOP 101	\$375.00	O
6281	02/17/2021	02/17/2021	AW	21st Century Media-Ohio	\$80.75	O
6282	02/17/2021	02/17/2021	AW	LAKESIDE SAND & GRAVEL, INC	\$374.25	O
6283	02/17/2021	02/17/2021	AW	WINDSTREAM WESTERN RESERVE INC.	\$637.73	O
6284	02/17/2021	02/17/2021	AW	PERSO	\$1,584.39	O
6285	02/17/2021	02/17/2021	AW	R. GIEL TILE INSTALLATION INC.	\$6,860.00	O
6286	02/17/2021	02/17/2021	AW	DOMINION EAST OHIO	\$2,056.94	O
6287	02/17/2021	02/17/2021	AW	WASTE MANAGEMENT WESTERN RESER\	\$478.04	O
6288	02/17/2021	02/17/2021	AW	GEAUGA COUNTY DEPT OF WATER RESO	\$143.34	O
6289	02/17/2021	02/17/2021	AW	INDUSTRIAL CONNECTIONS	\$120.40	O
Total Payments:					\$16,703.31	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$16,703.31	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.



AUBURN FIRE DEPARTMENT

10950 WASHINGTON STREET
AUBURN TOWNSHIP, OHIO 44023
PHONE: 440-543-4133
FAX: 440-543-5539



John L. Phillips, Chief

February 17, 2021

2020 end of year report

Total Calls 2020: 835

Fire: 347

EMS: 488

Mutual Aid Given: 189

Mutual Aid Received: 62

Total Patients: 526

Total Transports: 329

Total Non-Transports: 191

Total Transfer to Another Agency: 6

Total Back to Back Calls: 76 or 20.36%

January 2021

Total Calls Month of January 2021: 62

Total Calls Month of January 2020: 74

2021 Has 12 January Calls Less Than 2020

Total Back to Back Calls in January 2021: 6 or 19.35%

RESOLUTION 2021-07

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT TO AUBURN TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

MICHAEL TROYAN moved the adoption of the following resolution:

That an amendment to the AUBURN Township Zoning Resolution, identified as number AUB2021-01, consisting of 28 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the AUBURN Township Board of Trustees this 17th day of FEBRUARY, 2021.

PATRICK J CAVANAGH seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

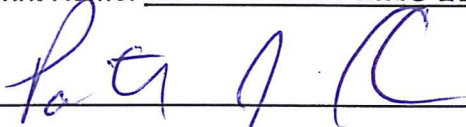
Trustee

Yes or No



YES

Print Name: MICHAEL TROYAN



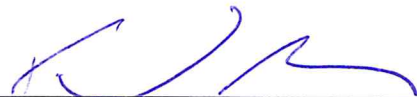
YES

Print Name: PATRICK J CAVANAGH

YES

Print Name: JOHN EBERLY

Attested to by:



Township Fiscal Officer

Print Name: FRED MAY

2-17-2021

Date

Replacement Page 5/1/06

FORM NO. 26

CERTIFICATION OF RESOLUTION

TO INITIATE PROPOSED

AMENDMENT TO ZONING RESOLUTION

TO TOWNSHIP ZONING COMMISSION

R. C. 519.12 (A)

I, FRED MAY, Fiscal Officer of AUBURN Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number AUB 2021-01, is taken and copied from the record of proceedings of the Board of Township Trustees of AUBURN Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

Witness my signature, this 17th day of FEBRUARY, 2021.



Township Fiscal Officer

Print Name: FRED MAY

Received by AUBURN Township Zoning Commission this 24th day of FEBRUARY, 2021.



Chairman or Secretary of
Township Zoning Commission

Print Name: FRED MAY

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Replacement Page 5/1/06

ARTICLE 1

TITLE AND ENACTMENT

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

-
- 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 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 **SEPARABILITY: 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 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 **fifty** (50) feet apart, and be between **twelve** (12) feet and **thirty** (30) feet wide. Within **fifty** (50) feet of a road right-of-way, each driveway's horizontal alignment shall be not less than **sixty** (60) degrees; and its grade shall not exceed **ten** (10) degrees. All driveways, turnarounds, and parking areas for residential lots shall be set back a minimum of **fifteen** (15) feet 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 **or the Ohio Department of Transportation along a state route.** 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.

Exhibit A

- (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. **Reserved**
- (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 shall apply**.
 - (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.

Exhibit A

- (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. **square feet in floor area**. 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.
 - (6) **Nonconforming lots of record may be consolidated so as to reduce any nonconformity regarding minimum lot area and minimum lot width. However, nonconforming lots of record shall not be subdivided so as to increase any nonconformity regarding 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

Exhibit A

- (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 **unless the disturbance occurs on a subplot in a platted subdivision.**
- (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
 - 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.

Exhibit A

- 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.

Exhibit A

- (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 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, **except for existing in-line ponds as addressed in subparagraph "c" herein below. An in-line pond is a permanent pool of water created by impounding 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.
- e. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under this Resolution shall be measured from the ordinary high water mark on the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under this Resolution shall be expanded to include wetlands and flood plains as detailed in Sections 3.06 (c) (3) (c) and 3.06 (c) (3) (d). The creation of new in-line impoundments shall not be permitted under this Resolution.

(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,

Exhibit A

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

Exhibit A

ARTICLE 4

RESIDENTIAL DISTRICT REGULATIONS

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

-
- 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.

Exhibit A

- (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

Exhibit A

Schedule 4.03(k): Residential District Schedule

DISTRICTS & USES ⁽¹⁾	MIN IMU M LOT ARE A (Acr es)	MINIMUM LOT WIDTH (Feet)	MINIMUM YARD DEPTH (Feet)			MAXIMUM LOT COVERAGE ⁽⁴⁾
			FRONT	SIDE	REAR	
R-1 DISTRICTS						
Permitted Main Uses:						
Agriculture Reserved	5.00	150	65	50	50	5%
Single Family Dwellings 8/15/18	3.00	200 ⁽²⁾	65	30	50	10%
Adult Group Home Residential Facilities (5)	3.00	200 ⁽²⁾	65	30	50	10%
Adult Family Homes Reserved	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)	50.0	300	100	100	100	20%
Quarries	20.0	300	100	100	100	5%
R-2 DISTRICTS						
Permitted Main Uses:						
Agriculture Reserved	5.00	150	65	50	50	5%
Single Family Dwelling 8/15/18	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Group Licensed Residential Facilities	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Family Homes Reserved	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)	50.0	300	100	100	100	20%
Quarries	20.0	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.						
(5) ORC 5119.34(B)(1)(b) and 5123.19(A)(5)(a)						

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-Reserved	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 Ho Licensed Residential Facilities (5)	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes-Reserved	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 Reserved	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 Licensed Residential Facilities (5)	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes-Reserved	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
See Use Definitions (2.02), Zoning Map (Appendix B), Dwellings (5.01), Accessory Uses (5.02) & Conditional Uses (5.03). See Accessory Uses 5.02. See Accessory Uses, 5.02(i). (3/6/13) See Accessory Uses, 5.02(i) (2). (3/6/13) ORC 5119.34(B)(1)(b) and 5123.19(A)(5)(a)		

Exhibit A

RESOLUTION 2021-08

RESOLUTION NO. AUB 2021-02

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT
TO AUBURN TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

Michael Troyan moved the adoption of the following resolution:

That an amendment to the AUBURN Township Zoning Resolution, identified as number AUB 2021-02, consisting of 23 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the AUBURN Township Board of Trustees this 17th day of 2021, 2021.

Patrick J. Cavanagh seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

Trustee

Yes or No

[Signature]

Yes

Print Name: MICHAEL TROYAN

[Signature]

Yes

Print Name: PATRICK J CAVANAGH

Yes

Print Name: JOHN EBERLY

Attested to by:

[Signature]
Township Fiscal Officer

Print Name: FRED MAY

2-17-2021
Date

Replacement Page 5/1/06

FORM NO. 26

CERTIFICATION OF RESOLUTION

TO INITIATE PROPOSED

AMENDMENT TO ZONING RESOLUTION

TO TOWNSHIP ZONING COMMISSION

R. C. 519.12 (A)

I, FRED MAY, Fiscal Officer of AUBURN Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number _____, is taken and copied from the record of proceedings of the Board of Township Trustees of AUBURN Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

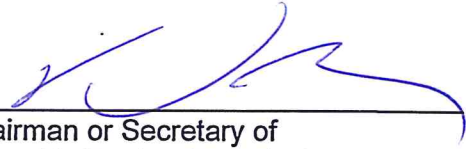
Witness my signature, this 17th day of FEBRUARY, 2021.



Township Fiscal Officer

Print Name: FRED MAY

Received by AUBURN Township Zoning Commission this 24th day of FEBRUARY, 2021.



Chairman or Secretary of
Township Zoning Commission

Print Name: FRED MAY

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Replacement Page 5/1/06

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.
- (9) The word “person” includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- (10) For words and terms undefined herein, the latest edition of “Webster’s New World Dictionary” may be consulted.

(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.

EXHIBIT A

- (4) **District Schedule:** The District Schedule of this Resolution.
- (5) **Highway Director:** The Director of Ohio Department of Transportation.
- (6) **O.A.C.: Ohio Administrative Code**
- (7) **O.R.C. or R.C.: Ohio Revised Code**
- (8) **Resolution:** This Resolution.
- (9) **Township:** Auburn Township, Geauga County, Ohio.
- (10) **Trustees:** The Board of Trustees of the Township.
- (11) **Zoning Inspector:** The Zoning Inspector of the Township.
- (12) **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; **algaculture meaning the farming of algae;** 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

Exhibit A

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

AMATEUR RADIO SERVICE: The amateur service, the amateur satellite service, and the radio amateur civil emergency service as provided under 47 C.F.R. part 97.

AMATEUR STATION: A station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications.

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~~ lot, or other premises 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 ~~dispensed~~ **dispensed** into the fuel tanks of motor vehicles, **or where electric vehicles may be recharged**, 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~~ **may be** provided for guest use. (Effective 5/19/04)

Exhibit A

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. **Personal** services such as apparel cleaning and repair outlets, **banks**, barber and beauty shops, **and tailors**, **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

Exhibit A

CEMETERY: ~~Land used or intended to be used for the burial of the human dead.~~ 6/6/07
Real property used for the interment of human remains including any one or a combination of more than one of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

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 consisting of wood, vinyl or other composite materials with or without a roof that is an open platform attached to a building or is freestanding and is supported by posts or piers. 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)

Exhibit A

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 **fully enclosed** 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. **A dwelling shall include an industrialized unit and a manufactured home as defined herein.**

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: 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 UNIT FLOOR AREA: The sum of the ~~room~~ **living** areas of a dwelling unit measured from ~~their inside~~ **exterior** walls, excluding basements, **crawl spaces, closets, foyers, garages, general storage rooms, halls, attics, decks, patios, and** 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.

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

Exhibit A

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

FAMILY DAY CARE (see Type B Family Day Care)

FARM MARKETS: ~~The sale of seasonal agricultural products primarily produced on the same lot.~~ Pursuant to Ohio Revised Code Section 519.21(C)(1), the use of any land where fifty 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.

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~~ exterior 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

GAZEBO: A freestanding, typically octagonal, roofed structure that is open on the sides.

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 Light entering the human eye directly from an outdoor lighting fixture that causes extreme visual discomfort, including the substantial reduction or loss of visual performance.

GLARE, DIRECT: The glare resulting from the human eye being able to see the light-emitting portion of a light fixture of an outdoor light fixture, due to an improperly installed bulb, shield or globe or as a result of the location or height of such fixture on the affected property due to its height. See Article 4A and Section 4A.11.

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, motel, or bed and breakfast. or the like.~~ (5/19/04)

Exhibit A

HAZARDOUS WASTE: Substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques and as defined in O.A.C. Section 3745-51-03.

HOME OCCUPATIONS: Occupations, businesses or professions for remuneration conducted wholly within a dwelling unit by members of the family residing therein and located within a residential zoning district.

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 3781.06(C)(3) 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

Exhibit A

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

INFECTIOUS WASTE: Such waste as defined in O.A.C. Section 3745-27-01(I)(6).

JUNK: Old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, plastic, dismantled or wrecked vehicles or parts thereof, steel and other old or scrap ferrous or nonferrous materials.

JUNK MOTOR VEHICLE: Any motor vehicle that meets all of the following criteria: it is three (3) years old or older; apparently inoperable; and extensively damaged, including, but not limited to any of the following: missing wheels, tires, engine, or transmission.

JUNK YARD: Any land, property, structure, building or combination of the same on which junk or junk vehicles are stored, processed or bought or sold. 10/4/2020

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.

LICENSED RESIDENTIAL FACILITY: A residential facility as defined in Ohio Revised Code Sections 5119.34(B)(1)(b) and 5123.19(A)(5) that is licensed.

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.~~ See Article 4A and Section 4A.11.

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, CORNER: A lot located at the intersection of two or more roads.

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.

Exhibit A

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. 12/28/2020

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

NONCONFORMING BUILDING OR STRUCTURE: A building or structure which was lawfully in existence at the effective date of this Resolution or any 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.

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 buildings, structures, driveways, parking areas 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)

PATIO: A structure with a surface area consisting of concrete, pavers, or stone with or without walls or a roof that is attached or is immediately adjacent, to a building.

Exhibit A

PAVILLION: A structure with no more than two (2) enclosed sides and a roof used for shelter.

PERMANENT PARCEL NUMBER (PPN) a.k.a. PARCEL ID: The number sequence assigned by the County Auditor to real property as part of a permanent parcel numbering system.

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

Exhibit A

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)

PORCH: An area adjoining a building entrance with a roof and no more than three (3) enclosed sides.

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, police stations, administrative offices, maintenance garages, libraries, meeting halls, recreation facilities, schools, and sewer and water facilities on public sites, owned and operated by a political subdivision of the State of Ohio, 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?
 4. Are there any applicable statutory or regulatory requirements that the service be accepted?
 5. Is there a right of the public to demand and receive the service?
- (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?)

Exhibit A

3. Is there public regulation or oversight of rates and charges?

A “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 the Ohio Revised Code.

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~~ **Privately owned** 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

RESIDENTIAL CARE FACILITY: A home, also known as an assisted living facility, as defined in the Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or (b) accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

Exhibit A

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

SEWAGE SYSTEM, ON-SITE: A septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent subject to the approval of the health and sanitation agencies or departments having jurisdiction.

SEWERS, CENTRAL: A sewage disposal system which provides a collection network and central waste water treatment plant for the effluent subject to the approval of the health and sanitation agencies or departments having jurisdiction.

Exhibit A

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 any part thereof, or a building or surface or any part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations, 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.

Exhibit A

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".

REAL ESTATE: A sign directing attention to the promotion, development, rental, sale, or lease of real property.

WALL: A sign painted on, attached to, and erected parallel to and within the limits of, the exterior face of a building wall and consisting of only one face.

WINDOW: A sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

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

SOLAR PANEL: A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

SOLAR PANEL, ARRAY: An integrated assembly of solar panels with a support structure or foundation and other accessory components.

SOLAR PANEL, FREESTANDING: A solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

SOLAR PANEL, ROOF MOUNTED: A solar panel or an array of solar panels attached to the roof of a principal or accessory building.

Exhibit A

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 (20×10^6 N/m²). The sound pressure level is denoted Lp 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~~, or soaking. 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)(1)(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.

Exhibit A

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; and, as further defined in Ohio Revised Code Sections 4501.01(D) and 4501.01(P). A tractor trailer also includes a “commercial tractor” as defined by O.R.C. 4501.01(D) and a “semi-trailer as defined by O.R.C. 4501.01 (P).

TYPE B FAMILY DAY-CARE HOME AND TYPE B HOME: A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of ages at one time as defined in the Ohio Revised Code Section 5104.01(VV). In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. Type B family day-care home and Type B home do not include any child day camp as defined in Ohio Revised Code Section 5104.01(I).

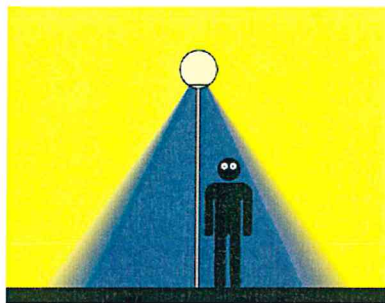
UNLICENSED WIRELESS SERVICE: The offering of telecommunications services using duly authorized devices, which do not require individual licenses, but does not mean the provision of direct to home satellite services.

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

Uplighting



University of Texas, Austin



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

USE: Any purpose for which a **building**, structure or the land is developed or occupied including any activity, business or operation within a **building**, structure or on the land **that is permitted within the affected zoning district as specified in this Resolution.**

USE, CONDITIONAL: A use within a zoning district **specifically listed in this Resolution** other than a permitted use requiring approval by the township board of zoning appeals **subject to the conditions set forth in this Resolution** and the issuance of a conditional use certificate. 6/6/07

Exhibit A

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.

WALKWAY: A pedestrian sidewalk or trail composed of bricks, stone, pavers, concrete or similar material for pedestrian 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

WATER, CENTRAL: A system, which may include a treatment plant, consisting of one or more wells or other sources of water supply joined by a pipelines so as to form a water distribution system subject to the approval of health and sanitation agencies or departments having jurisdiction.

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

Exhibit A

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.

WIND TOWER: A monopole that may be freestanding or attached to a building that supports a wind turbine.

WIND TURBINE: The parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower.

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

Exhibit A

RESOLUTION 2021-09

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT
TO AUBURN TOWNSHIP ZONING RESOLUTION
R. C. 519.12 (A)

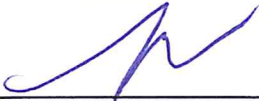
MICHAEL TROYAN moved the adoption of the following resolution:

That an amendment to the AUBURN Township Zoning Resolution, identified as number Aub 2021-03, consisting of 21 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the AUBURN Township Board of Trustees this 17th day of FEBRUARY, 2021.

PATRICK J. CAVANAGH seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

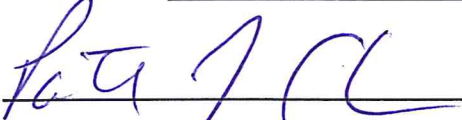
Trustee

Yes or No



Yes

Print Name: MICHAEL TROYAN



Yes

Print Name: PATRICK J CAVANAGH

Yes

Print Name: JOHN EBERLY

Attested to by:


Township Fiscal Officer

Print Name: FRED MAY

Date

2-17-2021

Replacement Page 5/1/06

FORM NO. 26

CERTIFICATION OF RESOLUTION

TO INITIATE PROPOSED

AMENDMENT TO ZONING RESOLUTION

TO TOWNSHIP ZONING COMMISSION

R. C. 519.12 (A)

I, FRED MAY, Fiscal Officer of AUBURN Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number AUG-2021-03, is taken and copied from the record of proceedings of the Board of Township Trustees of AUBURN Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

Witness my signature, this 17th day of FEBRUARY, 20 21.



Township Fiscal Officer

Print Name: FRED MAY

Received by AUBURN Township Zoning Commission this 24th day of FEBRUARY, 20 21.



Chairman or Secretary of
Township Zoning Commission

Print Name: FRED MAY

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Replacement Page 5/1/06

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, **including Planned Business Development**, 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.
- ~~(e) To provide for Planned Business Development as a means to accommodate business and commercial projects which maintain the Township's 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)

Replacement Page 4/14/05

EXHIBIT A

- (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.

Exhibit A

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:** ~~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 is in effect or a variance has been granted in accordance with this Resolution. See 5.05(a).~~
- (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).

Exhibit A

- (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 (2)
(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	C-N/P	N/P	N/P	N/P	C (7/21/10)*	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) Sales office with only samples of products Reserved		P	P		P	
(c) Retail/Services						
(1) Retail in completely enclosed buildings	P	P	P	P	C (3)	C (3)
(2) Reserved Personal services in completely enclosed buildings	P	P	P	P	P	N/P
(3) Animal hospital, Veterinary clinic and offices	P	P	P	P	P	P
4 Automated teller machines (walk-up) Reserved		P	P	P		
(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	N/P
(7) Funeral Home	P	P	N/P	N/P	P	N/P
(8) Reserved (3/6/13)						
(9) Planned Business Development Reserved		P	P	P	P	
(10) Restaurants	P	P	P	P	P	N/P
(11) General Businesses (in completely enclosed buildings) (see definition)	P	P	P	P	N/P	N/P
(12) Reserved 6/6/07						
(13) Child Day Care Facility	C	C	C	C	C	C

Exhibit A

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 (2)
(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) Recreation facilities (2/25/09)	C	C	N/P	N/P	C	N/P
(3) Reserved (2/25/09)						
(4) Hospitals	C	C	N/P	N/P	C	N/P
(5) Schools, public and private	C	C	C	N/P	C	C
(6) Reserved (2/25/09) 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

Exhibit A

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 (2)
<p>P = Permitted Use C = Conditional Use N/P=Not Permitted</p> <p>(1) R-1 District permitted main and conditional uses apply to B-1 District. 8/20/14</p> <p>(2) B-1 District permitted main and conditional uses are allowed in I-1 District, except that Dwellings are prohibited. 8/20/14</p> <p>(3) Limited to if it is manufactured on site.</p>						

Exhibit A

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) Planned Business Development-Reserved	NP	15 acres ⁽²⁾	P ⁽⁵⁾	15 acres ⁽²⁾	15 acres ⁽²⁾	NP
(2) Nursing Homes and Residential care facilities	3 acres-N/P	N/P	N/P	N/P	N/P 3 acres	N/P
(3) Hospital	N/P	3 acres	N/P	3 acres	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) Planned Business Development-Reserved	NP	450 feet ⁽²⁾	none	450 feet ⁽²⁾	450 feet ⁽²⁾	NP
(2) Nursing Homes and Residential care facilities	200 feet N/P	N/P	N/P	N/P	N/P 200 feet	N/P
(3) Hospital	NP 200 feet	200 feet	N/P	200 feet	200 feet	NP 200 feet
(c) Maximum Lot Coverage						
(1) Buildings Only	30%	30%	none	30%	30%	30%
(2) Buildings and Parking All uses except as noted below	none	40%	80%	40%	40%	none
a. Planned Business Development	NP	60%	80%	60%	60%	NP

N/P Not a permitted use in this district.

⁽¹⁾ Corner lots shall have a minimum lot area of 2.0 acres.

⁽²⁾ Entire development area or development lot width needs not be located within one zoning district; see Section 4A.13(a)(1)(b).

⁽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⁾ Permitted in conjunction with an adjacent B-1A and B-3 Districts; 15-acre minimum required.

Exhibit A

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 ⁽⁷⁾

	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) Mandatory setback means that building shall be set back exactly at prescribed distance. Deleted effective 12/31/03. (2) The side yard depth for Public Accommodations in all cases shall be 200 feet. Deleted effective 6/06/07 (3) Planned Business Development in the B-4 District shall be located a minimum of 400 feet from a residential district boundary. (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) When a PBD includes more than one District, building setback requirements are only applicable to the perimeter of the PBD. The criteria for setbacks is determined by the District in which that portion of the PBD is located.						

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						

Exhibit A

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	1 space per bed at maximum capacity N/P	N/P	N/P	N/P	NP 1 space per bed at maximum capacity	N/P
(4) Hospital	N/P 1 space per bed at maximum capacity	1 space per bed at maximum capacity	N/P	1 space per bed at maximum capacity	1 space per bed at maximum capacity	N/P 1 space per bed at maximum capacity
(5) Self-Storage Facilities	1 space per 10 units; minimum of 3 spaces	N/P	N/P	NP 1 space per 10 units; minimum of 3 spaces	NP 1 space per 10 units; minimum of 3 spaces	NP 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	NP 1 space for every employee for 2 largest successive employee shift; plus 1 space for every 7 children based upon maximum capacity	NP 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						
(a) 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⁾ Mandatory setback means that building shall be set back exactly at prescribed distance. 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.

Exhibit A

- (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. ~~as determined by the Zoning Commission.~~

- (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

Exhibit A

(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.

Exhibit A

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

Exhibit A

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

~~(a) Planned Business Development. Planned Business Development (PBD) is permitted, in the form of a PUD, as a means to accommodate and encourage 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. PBD offers property owners the incentive of more development rights in return for the increased flexibility, and the Township is rewarded with better circulation patterns, improved access management and better arrangement of uses, as well as an "up front" plan for landscaping, screening and buffering.~~

~~(1) Permitted Locations.~~

~~b. Planned Business Development is permitted in the B-1A, B-2, B-3 and B-4 Districts. (Effective 7/07/04)~~

~~c. The fifteen (15) acres necessary to make a PBD must be contiguous, under the same ownership of record, and be located in any one or a number of the following districts: B-1A, B-2, B-3 and B-4. (Effective 7/07/04)~~

~~d. Planned Business Development is permitted in the B-4 District only under the following conditions:~~

~~i. When the PBD is contiguous to a B-3 District; and~~

~~ii. When a minimum of 400 feet is maintained between the PBD property line and any adjacent residential districts.~~

~~(2) Permitted Uses. All uses permitted conditionally and by right in the district in which the PBD is located are permitted within the PBD.~~

~~(3) Development Standards. All development within a PBD shall comply with the general development standards of the district in which it is located, as set forth in this Article and in Articles 3 and 5.~~

~~(4) Development Plan Review. All Planned Business Development projects are subject to Development Plan Review according to Article 8.~~

Exhibit A

- (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.

Exhibit A

- 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.

Exhibit A

RESOLUTION 2021-08

RESOLUTION NO. AUB 2021-02

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT
TO AUBURN TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

Michael Troyan moved the adoption of the following resolution:

That an amendment to the AUBURN Township Zoning Resolution, identified as number AUB 2021-02, consisting of 23 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the AUBURN Township Board of Trustees this 17th day of 2021, 2021.

Patrick J. Cavanagh seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

Trustee

Yes or No

[Signature]

Yes

Print Name: MICHAEL TROYAN

[Signature]

Yes

Print Name: PATRICK J CAVANAGH

[Signature]

Yes

Print Name: JOHN EBERLY

Attested to by:

[Signature]
Township Fiscal Officer

Print Name: FRED MAY

2-17-2021
Date

Replacement Page 5/1/06

FORM NO. 26

CERTIFICATION OF RESOLUTION

TO INITIATE PROPOSED

AMENDMENT TO ZONING RESOLUTION

TO TOWNSHIP ZONING COMMISSION

R. C. 519.12 (A)

I, FRED MAY, Fiscal Officer of AUBURN Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number _____, is taken and copied from the record of proceedings of the Board of Township Trustees of AUBURN Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

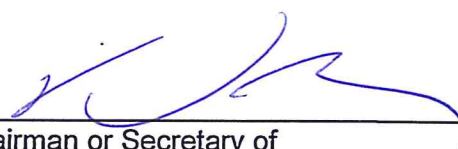
Witness my signature, this 17th day of FEBRUARY, 2021.



Township Fiscal Officer

Print Name: FRED MAY

Received by AUBURN Township Zoning Commission this 24th day of FEBRUARY, 2021.



Chairman or Secretary of
Township Zoning Commission

Print Name: FRED MAY

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Replacement Page 5/1/06

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.
- (9) The word “person” includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- (10) For words and terms undefined herein, the latest edition of “Webster’s New World Dictionary” may be consulted.

(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.

EXHIBIT A

- (4) **District Schedule:** The District Schedule of this Resolution.
- (5) **Highway Director:** The Director of Ohio Department of Transportation.
- (6) **O.A.C.: Ohio Administrative Code**
- (7) **O.R.C. or R.C.: Ohio Revised Code**
- (8) **Resolution:** This Resolution.
- (9) **Township:** Auburn Township, Geauga County, Ohio.
- (10) **Trustees:** The Board of Trustees of the Township.
- (11) **Zoning Inspector:** The Zoning Inspector of the Township.
- (12) **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; **algaculture meaning the farming of algae;** 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

Exhibit A

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

AMATEUR RADIO SERVICE: The amateur service, the amateur satellite service, and the radio amateur civil emergency service as provided under 47 C.F.R. part 97.

AMATEUR STATION: A station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications.

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~~ lot, or other premises 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 ~~dispensed~~ **dispensed** into the fuel tanks of motor vehicles, **or where electric vehicles may be recharged**, 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~~ **may be** provided for guest use. (Effective 5/19/04)

Exhibit A

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. **Personal** services such as apparel cleaning and repair outlets, **banks**, barber and beauty shops, **and tailors**, **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

Exhibit A

CEMETERY: ~~Land used or intended to be used for the burial of the human dead.~~ 6/6/07
Real property used for the interment of human remains including any one or a combination of more than one of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

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 consisting of wood, vinyl or other composite materials with or without a roof that is an open platform attached to a building or is freestanding and is supported by posts or piers. 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)

Exhibit A

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 **fully enclosed** 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. **A dwelling shall include an industrialized unit and a manufactured home as defined herein.**

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: 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 UNIT FLOOR AREA: The sum of the ~~room~~ **living** areas of a dwelling unit measured from ~~their inside~~ **exterior** walls, excluding basements, **crawl spaces, closets, foyers, garages, general storage rooms, halls, attics, decks, patios, and** 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.

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

Exhibit A

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

FAMILY DAY CARE (see Type B Family Day Care)

FARM MARKETS: ~~The sale of seasonal agricultural products primarily produced on the same lot.~~ Pursuant to Ohio Revised Code Section 519.21(C)(1), the use of any land where fifty 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.

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~~ exterior 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

GAZEBO: A freestanding, typically octagonal, roofed structure that is open on the sides.

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 Light entering the human eye directly from an outdoor lighting fixture that causes extreme visual discomfort, including the substantial reduction or loss of visual performance.

GLARE, DIRECT: The glare resulting from the human eye being able to see the light-emitting portion of a light fixture of an outdoor light fixture, due to an improperly installed bulb, shield or globe or as a result of the location or height of such fixture on the affected property due to its height. See Article 4A and Section 4A.11.

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, motel, or bed and breakfast. or the like.~~ (5/19/04)

Exhibit A

HAZARDOUS WASTE: Substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques and as defined in O.A.C. Section 3745-51-03.

HOME OCCUPATIONS: Occupations, businesses or professions for remuneration conducted wholly within a dwelling unit by members of the family residing therein and located within a residential zoning district.

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 3781.06(C)(3) 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

Exhibit A

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

INFECTIOUS WASTE: Such waste as defined in O.A.C. Section 3745-27-01(I)(6).

JUNK: Old or scrap copper, brass, rope, rags, trash, wastes, batteries, paper, rubber, plastic, dismantled or wrecked vehicles or parts thereof, steel and other old or scrap ferrous or nonferrous materials.

JUNK MOTOR VEHICLE: Any motor vehicle that meets all of the following criteria: it is three (3) years old or older; apparently inoperable; and extensively damaged, including, but not limited to any of the following: missing wheels, tires, engine, or transmission.

JUNK YARD: Any land, property, structure, building or combination of the same on which junk or junk vehicles are stored, processed or bought or sold. 10/4/2020

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.

LICENSED RESIDENTIAL FACILITY: A residential facility as defined in Ohio Revised Code Sections 5119.34(B)(1)(b) and 5123.19(A)(5) that is licensed.

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.~~ See Article 4A and Section 4A.11.

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, CORNER: A lot located at the intersection of two or more roads.

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.

Exhibit A

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. 12/28/2020

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

NONCONFORMING BUILDING OR STRUCTURE: A building or structure which was lawfully in existence at the effective date of this Resolution or any 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.

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 buildings, structures, driveways, parking areas 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)

PATIO: A structure with a surface area consisting of concrete, pavers, or stone with or without walls or a roof that is attached or is immediately adjacent, to a building.

Exhibit A

PAVILLION: A structure with no more than two (2) enclosed sides and a roof used for shelter.

PERMANENT PARCEL NUMBER (PPN) a.k.a. PARCEL ID: The number sequence assigned by the County Auditor to real property as part of a permanent parcel numbering system.

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

Exhibit A

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)

PORCH: An area adjoining a building entrance with a roof and no more than three (3) enclosed sides.

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, police stations, administrative offices, maintenance garages, libraries, ~~meeting halls, recreation facilities,~~ schools, and sewer and water facilities on public sites, owned and operated by a political subdivision of the State of Ohio, ~~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?
 4. Are there any applicable statutory or regulatory requirements that the service be accepted?
 5. Is there a right of the public to demand and receive the service?
- (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?)

Exhibit A

3. Is there public regulation or oversight of rates and charges?

A “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 the Ohio Revised Code.

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~~ **Privately owned** 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

RESIDENTIAL CARE FACILITY: A home, also known as an assisted living facility, as defined in the Ohio Revised Code Section 3721.01(A)(7) that provides either of the following: (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or (b) accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

Exhibit A

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

SEWAGE SYSTEM, ON-SITE: A septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent subject to the approval of the health and sanitation agencies or departments having jurisdiction.

SEWERS, CENTRAL: A sewage disposal system which provides a collection network and central waste water treatment plant for the effluent subject to the approval of the health and sanitation agencies or departments having jurisdiction.

Exhibit A

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 any part thereof, or a building or surface or any part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations, 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.

Exhibit A

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".

REAL ESTATE: A sign directing attention to the promotion, development, rental, sale, or lease of real property.

WALL: A sign painted on, attached to, and erected parallel to and within the limits of, the exterior face of a building wall and consisting of only one face.

WINDOW: A sign painted on, attached or affixed to the interior surface of a window or door of a building intended to be seen from the exterior.

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

SOLAR PANEL: A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

SOLAR PANEL, ARRAY: An integrated assembly of solar panels with a support structure or foundation and other accessory components.

SOLAR PANEL, FREESTANDING: A solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

SOLAR PANEL, ROOF MOUNTED: A solar panel or an array of solar panels attached to the roof of a principal or accessory building.

Exhibit A

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 (20×10^6 N/m²). The sound pressure level is denoted Lp 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~~, or soaking. 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)(1)(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.

Exhibit A

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; and, as further defined in Ohio Revised Code Sections 4501.01(D) and 4501.01(P). A tractor trailer also includes a “commercial tractor” as defined by O.R.C. 4501.01(D) and a “semi-trailer as defined by O.R.C. 4501.01 (P).

TYPE B FAMILY DAY-CARE HOME AND TYPE B HOME: A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of ages at one time as defined in the Ohio Revised Code Section 5104.01(VV). In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. Type B family day-care home and Type B home do not include any child day camp as defined in Ohio Revised Code Section 5104.01(I).

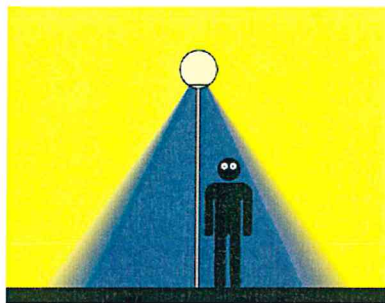
UNLICENSED WIRELESS SERVICE: The offering of telecommunications services using duly authorized devices, which do not require individual licenses, but does not mean the provision of direct to home satellite services.

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

Uplighting



University of Texas, Austin



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

USE: Any purpose for which a **building**, structure or the land is developed or occupied including any activity, business or operation within a **building**, structure or on the land **that is permitted within the affected zoning district as specified in this Resolution.**

USE, CONDITIONAL: A use within a zoning district **specifically listed in this Resolution** other than a permitted use requiring approval by the township board of zoning appeals **subject to the conditions set forth in this Resolution** and the issuance of a conditional use certificate. 6/6/07

Exhibit A

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.

WALKWAY: A pedestrian sidewalk or trail composed of bricks, stone, pavers, concrete or similar material for pedestrian 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

WATER, CENTRAL: A system, which may include a treatment plant, consisting of one or more wells or other sources of water supply joined by a pipelines so as to form a water distribution system subject to the approval of health and sanitation agencies or departments having jurisdiction.

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

Exhibit A

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.

WIND TOWER: A monopole that may be freestanding or attached to a building that supports a wind turbine.

WIND TURBINE: The parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower.

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

Exhibit A

RESOLUTION 2021-07

FORM NO. 24

RESOLUTION TO INITIATE AMENDMENT TO AUBURN TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

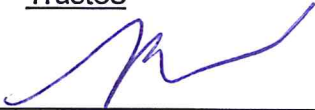
MICHAEL TROYAN moved the adoption of the following resolution:

That an amendment to the AUBURN Township Zoning Resolution, identified as number AUB2021-01, consisting of 28 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the AUBURN Township Board of Trustees this 17th day of FEBRUARY, 2021.

PATRICK J CAVANAGH seconded said motion. Upon the roll being called, the vote of the members of the board of township trustees was as follows:

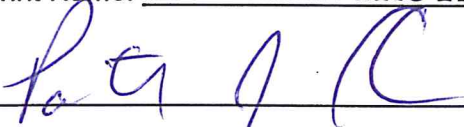
Trustee

Yes or No



YES

Print Name: MICHAEL TROYAN




YES

Print Name: PATRICK J CAVANAGH

YES

Print Name: JOHN EBERLY

Attested to by:


Township Fiscal Officer

Print Name: FRED MAY

2-17-2021
Date

Replacement Page 5/1/06

FORM NO. 26

CERTIFICATION OF RESOLUTION

TO INITIATE PROPOSED

AMENDMENT TO ZONING RESOLUTION

TO TOWNSHIP ZONING COMMISSION

R. C. 519.12 (A)

I, FRED MAY, Fiscal Officer of AUBURN Township, Geauga County, Ohio, do hereby certify that the resolution attached hereto, identified as number AUB 2021-01, is taken and copied from the record of proceedings of the Board of Township Trustees of AUBURN Township, Geauga County, Ohio; that the same has been compared by me with the resolution contained in said record and that it is a true and accurate copy thereof.

Witness my signature, this 17th day of FEBRUARY, 2021.



Township Fiscal Officer

Print Name: FRED MAY

Received by AUBURN Township Zoning Commission this 24th day of FEBRUARY, 2021.



Chairman or Secretary of
Township Zoning Commission

Print Name: FRED MAY

Note: Amendments to the zoning resolution may be initiated by the passage of a resolution therefor by the board of township trustees. The board of township trustees shall, upon the passage of such resolution, certify it to the township zoning commission.

Replacement Page 5/1/06

ARTICLE 1

TITLE AND ENACTMENT

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

-
- 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 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 **SEPARABILITY: 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 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 **fifty** (50) feet apart, and be between ~~15~~ **twelve (12)** feet and **thirty** (30) feet wide. Within **fifty** (50) feet of a road right-of-way, each driveway's horizontal alignment shall be not less than **sixty** (60) degrees; and its grade shall not exceed **ten** (10) degrees. All driveways, turnarounds, and parking areas for residential lots shall be set back a minimum of **fifteen** (15) feet 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 **or the Ohio Department of Transportation along a state route.** 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. **Reserved**
- (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 shall apply**.
 - (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.

Exhibit A

- (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. **square feet in floor area**. 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.
 - (6) **Nonconforming lots of record may be consolidated so as to reduce any nonconformity regarding minimum lot area and minimum lot width. However, nonconforming lots of record shall not be subdivided so as to increase any nonconformity regarding 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

Exhibit A

- (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 **unless the disturbance occurs on a subplot in a platted subdivision.**
- (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
 - 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.

Exhibit A

- 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.

Exhibit A

- (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 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, **except for existing in-line ponds as addressed in subparagraph "c" herein below. An in-line pond is a permanent pool of water created by impounding 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.
- e. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under this Resolution shall be measured from the ordinary high water mark on the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in-line ponds existing at the time an application is made under this Resolution shall be expanded to include wetlands and flood plains as detailed in Sections 3.06 (c) (3) (c) and 3.06 (c) (3) (d). The creation of new in-line impoundments shall not be permitted under this Resolution.

(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,

Exhibit A

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.

Exhibit A

- (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

Exhibit A

ARTICLE 4

RESIDENTIAL DISTRICT REGULATIONS

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

-
- 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.

Exhibit A

- (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

Exhibit A

Schedule 4.03(k): Residential District Schedule

DISTRICTS & USES ⁽¹⁾	MIN IMU M LOT ARE A (Acr es)	MINIMUM LOT WIDTH (Feet)	MINIMUM YARD DEPTH (Feet)			MAXIMUM LOT COVERAGE ⁽⁴⁾
			FRONT	SIDE	REAR	
R-1 DISTRICTS						
Permitted Main Uses:						
Agriculture Reserved	5.00	150	65	50	50	5%
Single Family Dwellings 8/15/18	3.00	200 ⁽²⁾	65	30	50	10%
Adult Group Home Residential Facilities (5)	3.00	200 ⁽²⁾	65	30	50	10%
Adult Family Homes Reserved	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)	50.0	300	100	100	100	20%
Quarries	20.0	300	100	100	100	5%
R-2 DISTRICTS						
Permitted Main Uses:						
Agriculture Reserved	5.00	150	65	50	50	5%
Single Family Dwelling 8/15/18	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Group Licensed Residential Facilities	2.00	175 ⁽²⁾⁽³⁾	65	30	50	10%
Adult Family Homes Reserved	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)	50.0	300	100	100	100	20%
Quarries	20.0	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.						
(5) ORC 5119.34(B)(1)(b) and 5123.19(A)(5)(a)						

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-Reserved	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 Ho Licensed Residential Facilities (5)	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes-Reserved	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 Reserved	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 Licensed Residential Facilities (5)	2 Per Dwelling Unit	5 square feet ⁽⁴⁾
Adult Family Homes-Reserved	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
See Use Definitions (2.02), Zoning Map (Appendix B), Dwellings (5.01), Accessory Uses (5.02) & Conditional Uses (5.03). See Accessory Uses 5.02. See Accessory Uses, 5.02(i). (3/6/13) See Accessory Uses, 5.02(i) (2). (3/6/13) ORC 5119.34(B)(1)(b) and 5123.19(A)(5)(a)		

Exhibit A