The Regular meeting of the Auburn Township Board of Trustees was called to order at 7:30 p.m. by Patrick J. Cavanagh. All Trustees were present.

The Pledge of Allegiance was led by Chief Phillips

Motion by Michael S. Troyan seconded by Eugene T. McCune Jr. to approve the minutes of the Regular Meeting of the Board of Trustees held on March 20, 2023. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

REPORTS:

Frank Kitko, Zoning Inspector, submitted a zoning report reflecting 9 applications processed in the month of March resulting in 9 permits issued.

Emerick P. Gordon, Township Highway Superintendent gave the following report for March and presented Resolution 2023-16 for the ODOT road salt contract and a quote from PennOhio Corporation for the trash events.

Motion by Patrick J. Cavanagh seconded by Michael S. Troyan to adopt Resolution 2023-16 Authorizing Participation in the ODOT Road Salt contracts awarded in 2023. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

Motion by Patrick J. Cavanagh seconded by Eugene T. McCune Jr. to contract with PennOhio Corporation for roll-offs and haul service for the roadside litter trash event and the resident large item trash event. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

- March saw five weather events that required eight rounds of plowing and or salting. Two hundred and forty five tons of deicing materials were used. The total use for the 2022 / 2023 winter season was 1319 tons of road salt. The remaining balance of 1400 tons will be purchased and stored prior to contract end date May 31st 2023.
- There were two high wind events that took down trees, wires and utility poles. The road department was kept busy clearing roads and setting signage and barricades for multiple road closures.
- Cold patching of roads continued and the roads were rerated for the updating of the database.
- Drainage updates for the capital improvement projects began with the removal of several trees that were involved in the drainage channels and blocking the inlet / outlet of cross culvert pipes scheduled for replacement on Bridge Creek Dr. Anticipated end date for the cross culvert drainage construction is May 31st 2023.
- Sign up is open at the Geauga County Department on Aging for Senior Trash Pickup June 1st and 2nd. Also don't forget the April 22nd Earth Day / Roadside Cleanup where Chef Troyan exhibits his culinary expertise grilling hot dogs!

Eugene T. McCune brought up to Emerick the possibility of having a contest to name the new truck.

Michael S. Troyan presented Resolution 2023-15 Expenditure from ARPA Fund.

Motion by Michael S. Troyan seconded by Eugene T. McCune Jr. to adopt Resolution 2023-15 Authorizing Expenditure from the American Rescue Plan Act (ARPA) Fund in the amount of $239,689.87 for replacement and acquisitions to update Auburn Fire Department equipment. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF TRUSTEE REGULAR Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-8238 FORM NO. 10148

Held _____ 20 _____

REPORTS (continued):

Motion by Michael S. Troyan seconded by Patrick J. Cavanagh to rescind Resolution 2022-47 Authorizing Expenditure from the American Rescue Plan Act (ARPA) Fund in the amount of $239,689.87. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

The amended AVFD 2023 contract is .10 cents greater than Resolution 2023-15. Keith Blazer will resubmit a corrected contract for trustee signatures. Mr. Blazer spoke to the Fire Department Dependency Board. They will hold their annual meeting on May 1st before the Board of Trustees meeting.

Eugene T. McCune Jr. thanked the Road Department for their work during and after the last storm event.

The Trustees discussed communications from our Prosecutor, Krissy Rine, regarding the new fence installed at Shadyside Cemetery. She is researching if we can fund it through the ARPA.

Patrick J. Cavanagh presented Resolution 2023-12.

Motion by Patrick J. Cavanagh seconded by Eugene T. McCune Jr. to adopt Resolution 2023-12 Authorizing Patrick J. Cavanagh and Daniel J. Matsko to obtain a loan for Judco Truck Equipment for $102,860.00 with The Middlefield Banking Company. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

Trustee Cavanagh spoke to a request from U.S. Department of Agriculture (USDA), Animal Plant Health Inspection Services (APHIS) to participate in their annual survey to monitor and target invasive species that threaten U.S. agriculture and natural resourses. They would like to hang and monitor traps at the Auburn Community Park.

Motion by Patrick J. Cavanagh seconded by Eugene T. McCune Jr. to participate in the U.S. Department of Agriculture annual survey and allow them to monitor and hang traps at Auburn Community Park. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

Frank Kitko, Zoning Inspector, spoke to the proposed Zoning Amendment ZC-2023-01.

Motion by Eugene T. McCune Jr. seconded by Patrick J. Cavanagh to schedule a PUBLIC HEARING for Proposed Zoning Amendment ZC2023-014 on Monday, April 17, 2023 at 7:00 PM at the Administration building. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

Dan Matsko, Fiscal Officer, presented a payment report listing warrants 43-2023 and 7114 through 7730 totaling $288,413.99.

He presented the Trustees with information to participate in one or more of five of the National Opioid Settlements. Prosecutor Kristen Rine has already reviewed and approved participation.

Motion by Michael S. Troyan seconded by Eugene T. McCune to participate in one or more of five of the National Opioid Settlements. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed.

Mr. Matsko noted he will be attending a 5 day training session hosted by the Ohio Association of Public Treasurers.

PUBLIC COMMENTS:

Jonathan Tucker commented on the poor response by First Energy during the last weather event. He requested they come to a Board of Trustees meeting.

RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP BOARD OF TRUSTEE REGULAR Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ 20 _____

ADJOURNMENT:

Motion by Michael S. Troyan seconded by Eugene T. McCune Jr. to adjourn the meeting. VOTE: Troyan, yes; McCune, yes; Cavanagh, yes. The motion passed. The meeting was adjourned at 8:37 p.m.

Daniel J. Matsko, Fiscal Officer

Patrick J. Cavanagh, Chairman

Eugene T. McCune Jr., Trustee

Michael S. Troyan, Trustee

4-17-2023
Date

Est. 1817

AUBURN
TOWNSHIP

BOARD OF TRUSTEES MEETING AGENDA
Monday, April 3 2023

REGULAR MEETING –7:30 PM

PLEDGE OF ALLEGIANCE

MINUTE APPROVAL:

- Approve Regular Meeting – March 20, 2023
- Sign Regular Meeting Minutes – March 6, 2023 (Approved March 20th)

SCHEDULED REPORTS:

- Frank Kitko, Zoning Inspector
- Emerick Gordon, Township Highway Superintendent

TRUSTEE & FISCAL OFFICER REPORTS:

- Patrick J. Cavanagh, Chairman
- Eugene T. McCune Jr., Vice Chairman
- Michael S. Troyan
- Daniel J. Matsko, Fiscal Officer

OLD BUSINESS:

NEW BUSINESS:

- **Resolution 2023-12** Authorizing Patrick J. Cavanagh and/or Daniel J. Matsko to obtain a loan with The Middlefield Banking Co. in the amount of $102,860.00
- Amend AVFD 2023 Contract (signed 12/19/22)
- Rescind Resolution 2022-47 (12/19/22) / ARPA expenditure $239,689.87 / AVFD
- **Resolution 2023-15** Expenditure of ARPA Funds / $239,689.87 / AVFD
- Set Public Hearing date (April 17) for **Proposed Zoning Amendment 2023-01**
- **Resolution 2023-16** to participate in the ODOT Road Salt Contract
- Quotes received (2) / PennOhio Corp. / Litter Pick-Up Event & Trash Event

SAVE THE DATES:

04/07/23 – BID Deadline -10:00am / BID Opening – 10:05am / Asphalt Various Roads
04/11/23 – BZA Meeting -7:00pm @ Auburn Administration Bldg.
04/12/23 – Geauga Township Association Dinner Meeting – Thompson @ 7:00pm
04/13/23 - Zoning Commission-7:00pm @ Auburn Administration Bldg.
04/17/23 - Board of Trustees meeting – 7:30pm @ Auburn Administration Bldg.
04/22/23 – Roadside Litter Clean-Up Event (Earth Day) 9:00am – 12:00noon
04/27/23 - Zoning Commission -7:00pm @ Auburn Administration Bldg.

Payment Listing

April 2023

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
43-2023	04/03/2023	04/02/2023	CH	TREASURER OF STATE OF OHIO	$4,223.00	O
7714	04/03/2023	04/03/2023	AW	INDUSTRIAL CONNECTIONS	$39.77	O
7715	04/03/2023	04/03/2023	AW	SEDGWICK	$3,340.00	O
7716	04/03/2023	04/03/2023	AW	VISION SERVICE PLAN - (OH)	$275.29	O
7717	04/03/2023	04/03/2023	AW	DELTA DENTAL	$717.50	O
7718	04/03/2023	04/03/2023	AW	OHIO EDISON	$18.91	O
7719	04/03/2023	04/03/2023	AW	GEAUGA COUNTY MAPLE LEAF	$161.65	O
7720	04/03/2023	04/03/2023	AW	J.F.D. LANDSCAPES	$250.76	O
7721	04/03/2023	04/03/2023	AW	MATTHEW BLOWERS	$275.00	O
7722	04/03/2023	04/03/2023	AW	QUADIENT	$40.43	O
7723	04/03/2023	04/03/2023	AW	MEDICAL MUTUAL OF OHIO	$33,007.18	O
7724	04/03/2023	04/03/2023	AW	DOMINION EAST OHIO	$2,713.39	O
7725	04/03/2023	04/03/2023	AW	MICHAEL S. TROYAN	$989.40	O
7726	04/03/2023	04/03/2023	AW	AUBURN VOLUNTEER FIRE DEPARTMENT	$239,689.87	O
7727	04/03/2023	04/03/2023	AW	WEX BANK	$1,943.70	O
7728	04/03/2023	04/03/2023	AW	WASTE MANAGEMENT WESTERN RESER\	$336.13	O
7729	04/03/2023	04/03/2023	AW	WINDSTREAM WESTERN RESERVE INC.	$255.87	O
7730	04/03/2023	04/03/2023	AW	WINDSTREAM WESTERN RESERVE INC.	$136.14	O
				Total Payments:	$288,413.99	
				Total Conversion Vouchers:	$0.00	
				Total Less Conversion Vouchers:	$288,413.99	

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 TOWNSHIP

Auburn Township Board of Trustees
Meeting Attendance Sheet

Please Sign In

APR 03 2023

AUBURN TOWNSHIP

	Print Name	Resident	Non-Resident
1.	CARL SCHNEIDER	✓	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

AUBURN TWP ZONING REPORT

MARCH 2023

	Ja	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Agr/Other Exmptions													
Amendment													
Billboard													
Commercial Additions													
Comm Fence													
Comm New	1												1
Comm Remodel													
Comm Sign													
Comm Sub Lease,													
Use Change													
Culvert/Ditching													
Dev Plan Review													
Denial													
Duplex													
Ind Addition, Exist.Use													
Ind Use Change, SubLease													
Ind Fences													
Ind Remodeling													
Ind New Structure													
Ind Non-Res. Permitted													
Ind Sign													
Lake													
Land Use Plan, Dev activities													
Pond													
Res Acc Bldg Under 200	1	1											2
Res Acc Bldg Over 200 sf			6										6
Res Addition		1	2										3
Res Deck													
Res Fences		1	1										2
Res Interior Completion													
Res Other													
Res Patios													
Res Remodel													
Res Signs													
Res Signs Temp													
Res Signs Temp Bldg Const		1											1
Res Signs S/D													
Single Family Dwelling		1											1
Swim Pool Above Ground													
Swim Pool In Ground													
Transient Vendor													
Variance/Cond Use/	1												1
Voided Receipts/Copies/Other													
Sub Total	3	5	9										17
TOTAL ISSUED	2	5	9										16

REMINDER: New National Opioid Settlements - Teva, Allergan, CVS,Walgreens, and Walmart - RefNum CL-388959

From: National Opioid Settlements Implementation Administrator <opioidsparticipation@rubris.com>
sent from amazonses.com
Sent: Mon, Mar 27, 2023 at 7:35 pm
To: Daniel J. Matsko

Images not displayed. **SHOW IMAGES** | **ALWAYS SHOW IMAGES FROM THIS SENDER**

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com
To: AUBURN TOWNSHIP, OH
Reference Number: CL-388959

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

Deadline: April 18, 2023

You are receiving this notice because your state has elected to participate in one or more of the five national opioid settlements with **Teva, Allergan, CVS, Walgreens, and Walmart.** Participation agreements for one or more of these settlements have been issued to your subdivision but not yet signed and returned.

As a reminder, the deadline to participate is **April 18, 2023.**

In order to assist in meeting the April 18, 2023 deadline, the Opioids Implementation Administrator will **re-issue the Participation Forms within 24 hours of this correspondence.** Please check your inbox and junk folder for an email with the following information:

Sender: Opioids Implementation Administrator
Address of Sender: dse_na3@docusign.net
Subject of Email: Action Required: New National Opioid Settlements - Participation Forms - CL-388959

Please check your inbox, spam folder, and junk folder for the above email. You may contact opioidsparticipation@rubris.com to request your participation forms to be resent. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

How to return signed forms:

There are three methods for returning the executed Participation Forms and any supporting documentation to the Implementation Administrator:

1. *Electronic Signature via DocuSign*: Executing the Participation Forms electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning Participation Forms, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.

2. *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed Participation Forms via DocuSign will associate your signed forms with your subdivision's records.

3. *Manual Signature returned via electronic mail*: If your subdivision is unable to return executed Participation Forms using DocuSign, signed Participation Forms may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the Participation Forms, including changing the authorized signer, can be found at https://nationalopioidsettlement.com. You may also contact opioidsparticipation@rubris.com.

If you have any questions about executing these forms, please contact your counsel, your state Attorney General Office, or the Implementation Administrator at opioidsparticipation@rubris.com.

Thank you,
National Opioid Settlements Implementation Administrator

COPY

TOWNSHIP ZONING AMENDMENT PROCEDURE
O.R.C. SECTION 519.12

int 2/23 (1) INITIATE AMENDMENT:
APPLICATION BY PROPERTY OWNER OR LESSEE
MOTION BY TOWNSHIP ZONING COMMISSION
RESOLUTION BY BOARD OF TOWNSHIP TRUSTEES

get paperwork together

3/23 (2) TOWNSHIP ZONING COMMISSION SETS DATE OF PUBLIC HEARING NOT LESS THAN 20 NOR MORE THAN 40 DAYS FROM DATE OF INITIATION.

by 3/28 (3) TOWNSHIP ZONING COMMISSION TRANSMITS A COPY OF THE TEXT AND MAP OF THE AMENDMENT TO THE COUNTY PLANNING COMMISSION WITHIN 5 DAYS OF INITIATION.

3/24 for 5/3 publication (4) TOWNSHIP ZONING COMMISSION PLACES A LEGAL NOTICE ON THE AMENDMENT IN A NEWSPAPER OF GENERAL CIRCULATION NOT LESS THAN 10 DAYS PRIOR TO THE PUBLIC HEARING. IF THE AMENDMENT INTENDS TO REZONE 10 OR FEWER LOTS, THEN A NOTICE MUST BE MAILED TO ADJACENT PROPERTY OWNERS AS WELL.

3/14 meeting (5) COUNTY PLANNING COMMISSION REVIEWS AMENDMENT AND OFFERS ITS FORMAL RECOMMENDATION TO THE TOWNSHIP ZONING COMMISSION.

3/23/2023 (6) TOWNSHIP ZONING COMMISSION HOLDS PUBLIC HEARING AND CONSIDERS RECOMMENDATION OF COUNTY PLANNING COMMISSION

3/23/2023 (7) TOWNSHIP ZONING COMMISSION CLOSES PUBLIC HEARING AND MUST VOTE TO RECOMMEND APPROVAL, DENIAL, OR APPROVAL OF SOME MODIFICATION OF THE AMENDMENT WITHIN 30 DAYS AFTER THE PUBLIC HEARING.

3/24 (8) TOWNSHIP ZONING COMMISSION SUBMITS ITS RECOMMENDATION ON AMENDMENT, APPLICATION OR RESOLUTION, TEXT AND MAP, AND RECOMMENDATION OF COUNTY PLANNING COMMISSION TO BOARD OF TOWNSHIP TRUSTEES.

(9) UPON RECEIPT, THE BOARD OF TOWNSHIP TRUSTEES MUST SET A PUBLIC HEARING DATE NOT MORE THAN 30 DAYS FROM THE DATE OF RECEIPT OF THE ZONING COMMISSION'S RECOMMENDATION ON AMENDMENT.

(10) BOARD OF TOWNSHIP TRUSTEES PLACES A LEGAL NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION NOT LESS THAN 10 DAYS PRIOR TO THE PUBLIC HEARING.

(11) BOARD OF TOWNSHIP TRUSTEES HOLDS PUBLIC HEARING. BOARD REVIEWS RECOMMENDATIONS OF COUNTY PLANNING COMMISSION AND TOWNSHIP ZONING COMMISSION.

(12) BOARD OF TOWNSHIP TRUSTEES CLOSES PUBLIC HEARING AND WITHIN 20 DAYS MUST VOTE TO ADOPT OR DENY THE RECOMMENDATION OF THE TOWNSHIP ZONING COMMISSION, OR ADOPT SOME MODIFICATION THEREOF. IF RECOMMENDATION OF THE TOWNSHIP ZONING COMMISSION IS DENIED OR MODIFIED, A MAJORITY VOTE OF THE BOARD IS REQUIRED.

(13) THE AMENDMENT, IF ADOPTED, SHALL BECOME EFFECTIVE IN 30 DAYS AFTER THE DATE OF ADOPTION UNLESS A REFERENDUM PETITION IS PRESENTED TO THE BOARD OF TOWNSHIP TRUSTEES WITHIN THE 30 DAY TIME PERIOD.

(14) IF THE PETITION IS VALIDATED BY THE COUNTY BOARD OF ELECTIONS, THE AMENDMENT SHALL NOT TAKE EFFECT UNTIL THE RESULTS OF THE ELECTION HAVE BEEN CERTIFIED BY THE COUNTY BOARD OF ELECTIONS AND A MAJORITY OF VOTES ARE CAST IN FAVOR OF THE AMENDMENT.

(15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY THE BOARD OF TOWNSHIP TRUSTEES WITH THE COUNTY RECORDER AND THE COUNTY PLANNING COMMISSION OFFICE.

(16) O.R.C. SECTION 519.122 PROVIDES THAT NO ACTION CHALLENGING THE VALIDITY OF A ZONING RESOLUTION OR OF ANY AMENDMENT THERETO BECAUSE OF A PROCEDURAL ERROR IN THE ADOPTION OF THE RESOLUTION OR AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS AFTER THE ADOPTION OF THE RESOLUTION OR AMENDMENT.

PREPARED BY: GCPC 10/08. NOTE: THIS SUMMARY IS NOT MEANT TO REPLACE O.R.C. SECTION 519.12.

Geauga County Planning Commission
12611 Ravenwood Drive, Suite #380, Chardon, Ohio 44024
Phone (440) 279-1740
https://bocc.geauga.oh.gov/departments/planning-commission/

March 15, 2023

Sarah Mulleman, Secretary
Auburn Township Zoning Commission
11010 Washington Street
Auburn, Ohio 44023

Re: Proposed Zoning Amendment No. ZC 2023-01
Initiated on February 23, 2023

Dear Ms. Mulleman:

Please be advised that the Geauga County Planning Commission at its meeting held on March 14, 2023 voted to recommend approval with modifications of the proposed Auburn Township Zoning Amendment ZC 2023-01 as initiated by the Zoning Commission on February 23, 2023 as follows:

1. Article 2, Recreation Facilities: recommend removing proposed language prohibiting outdoor shooting ranges.
2. Article 5, Section 5.02(n)(2)(b): recommend removing the proposed language as a ten (10) feet maximum setback for menu ordering systems is too restrictive and the Township should consider alternatives.
3. Article 6, Section 6.01(c)(2): recommend removing the proposed language requiring a new legal description or plat
4. Article 6, Section 6.05(d)(3)(b): recommend forty (40) days instead of sixty (60) days.

Pursuant to R.C. 519.12, the Planning Commission's recommendation must be considered by the Zoning Commission at its public hearing regarding the proposed amendment. Subsequent to the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Trustees, a copy thereof must be provided to this office within five (5) days after its effective date.

If you have any questions, please contact the Planning Commission at (440) 279-1740.

Sincerely,

Linda M. Crombie

Linda M. Crombie, AICP
Planning Director, Geauga County Planning Commission

c: Susan Wieland, APA
Amendment file

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

Dennis Bergansky moved the adoption of the following motion:

That an amendment to the Auburn Township Zoning Resolution identified as ZC-2023-01 consisting of 12 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Auburn Township Zoning Commission this 23rd day of February, 2023.

Scott Brockman seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

Member	Yes or No
Dennis Bergansky	Yes
Scott Brockman	yes
Ted VanHyning	Yes
Greg Lackey	Yes

Attested to by:

Sarah C Mulleman

Sarah Mulleman, Secretary
Auburn Township Zoning Commission

Date: February 23, 2023

TRANSMISSION OF A COPY OF THE MOTION FOR A PROPOSED AMENDMENT TO THE AUBURN TOWNSHIP ZONING RESOLUTION TOGETHER WITH THE TEXT PERTAINING THERETO TO THE GEAUGA COUNTY PLANNING COMMISSION O.R.C. 519.12 (E)

The Auburn Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment, identified as number ZC-2023-01 to the Auburn Township Zoning Resolution together with the attached text pertaining thereto to the Geauga County Planning Commission this 23rd day of February, 2023.

Auburn Township Zoning Commission:

Dennis Bergansky

Scott Brockman

Ted VanHyning

Greg Lackey

Attested to by:

Sarah Mulleman, Secretary,
Auburn Township Zoning Commission

Received by the Geauga County Planning Commission this 24 day of February, 2023.

Signature of Planning Commission Employee

Linda M. Crombie
Print Name

Form 30 GCPC

4A.10 LANDSCAPING AND SCREENING REQUIREMENTS
- (a) Along the Road Frontage 11/19/13
- (b) Parking Lots
- (c) Adjacent to Residential Districts
- (d) Accessory Uses
- (e) Yards

4A.11 OUTDOOR LIGHTING
- (a) Purpose
- (b) General Requirements
- (c) Exemptions

4A.12 NOISE REGULATIONS
- (a) Maximum Decibel Limits
- (b) Measurement

4A.13 SUPPLEMENTAL REGULATIONS
- (a) Planned Business Development
- (b) Outdoor Display & Storage
- (c) Development Guidelines

4A.14 APPLICATION OF DISTRICT REGULATIONS

ARTICLE 5 – SUPPLEMENTARY REGULATIONS

5.01 DWELLINGS
- (a) Maximum Densities
- (b) Minimum Dwelling Unit Areas

5.02 ACCESSORY USES
- (a) Accessory Buildings and Structures
- (b) Home Occupations
- (c) Outdoor Display
- (d) Outdoor Storage
- (e) Parking and Loading Facilities in the B-1A, B-2, B-3 and B-4 Districts
- (f) Parking and Loading Facilities in the R-1, R-2, B-1 and I-1 Districts
- (g) Swimming Pools
- (h) Farm Markets
- (i) Signs
- (j) Accessory Dwelling Units
- (k) Electric Vehicle Supply Equipment (EVSE) Space
- (l) Roof Mounted Solar Panels and Freestanding Solar Panel Arrays
- (m) Wind Turbines (Under 5 megawatts)
- **(n) Drive-in, Drive-Through Facility Regulations**

5.03 CONDITIONAL USES
- (a) Cemeteries (7/21/10)
- (b) Golf Courses (7/21/10)
- (c) Quarries
- (d) Private Recreation Facilities (7/21/10)
- (e) Hospitals
- (f) Billboards (7/21/10)
- (g) Self-Storage Facilities
- (h) Child Day Care Facilities
- (i) Auto Service Station (3/11/08)
- (j) Auto Repair Garage (3/11/08)
- (k) Car Wash Facility (3/11/08)
- (l) Automobile Sales (7/21/10)
- (m) Churches (7/21/10)
- (n) Landscaping & Tree Service Business (5/5/2022)
- (o) Dwelling Unit (as part of a business)
- (p) Nursing Homes and Residential Care Facilities
- (q) Bed and Breakfast
- (r) Party Center
- (s) Private Schools
- (t) Retail Sales of Products in Completely Enclosed Buildings

5.04 FIRE PROTECTION POND

5.05 PROHIBITED USES IN ALL ZONING DISTRICTS
- (a) Not listed not permitted…
- (b) Short Term Rentals
- (c) Manufactured Home Park(5/5/2022)
- (d) Junk Yards
- (e) Infectious Waste
- (f) Landfills
- (g) Junk Vehicles
- (h) Hazardous Waste
- (i) Medical Marijuana
- (j) Street Vending
- (k) Mobile Homes

EXHIBIT A

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) **However, such facilities shall not include an outdoor shooting range for the purpose of shooting with firearms, unless it is owned or operated by a public law enforcement agency or department.**

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.

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

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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.

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 x 10^6 N/m^2). The sound pressure level is denoted Lp or SPL and is expressed in decibels. 11/19/13

STACKING LANE: a continuous queuing lane on the same lot as a drive-through, used by drive-through customers that consists of a designated set of tandem parking spaces which are separated from other vehicular traffic, pedestrian traffic and the parking area by the use of barriers, markings or signs.

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~~ **setback a** minimum of ~~one hundred (100)~~ **fifty feet (50')** ~~feet~~ from **its embankment to** septic system lines, leach beds and duplication fields. Any pond or lake shall be ~~located at least~~ **setback a minimum of** fifty (50) feet from **its embankment to** any lot line **and the road right-of-way, except in the B-2 and I-1 Zoning Districts. In the B-2 and I-1 Zoning Districts, any pond or lake shall be setback a minimum of fifteen feet (15') from its embankment to any lot line and the road right-of-way. However, if adjoining any residential zoning district, then such minimum setback shall be fifty feet (50') from any lot line and the road right-of-way. These regulations shall not apply to retention and detention stormwater management facilities.**

(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.

(1) **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.

(2) **Air Pollution:** No use shall pollute the air with flyash, dust, gases or vapors beyond its lot lines.

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(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, service 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 business, 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

4A.05 SCHEDULE OF USES:

Schedule 4A.05: Schedule of Uses

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

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ARTICLE 5

SUPPLEMENTARY REGULATIONS

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

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

(n) Drive-in, Drive-Through Facility Regulations

1. Drive-up windows/station of payment or pick-up of an order shall not be located in front of the front building line of any building.

2. An exterior menu ordering and communication speaker system shall be:

   a. Only utilized for communication between employees and customers.
   b. Located a maximum of ten (10) feet from the nearest wall of the building that it serves
   c. Designed to direct the sound away from any adjacent residential uses
   d. Located so that service is to the driver's side door

3. Vehicle queuing or stacking shall be located on the same lot as the principal use.

4. The minimum number of required stacking spaces shall comply with the following table:

USE	MINIMUM STACKING SPACES PER LANE OR AS OTHERWISE NOTED
Banks and Financial Institutions including ATMS And Similar Facilities with Service Windows	6
Restaurants and other Establishments serving and/or Selling food and/or beverages	12
Drug Stores	4

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Car Wash Facilities per tunnel	6
Auto Service Station/Auto Repair Garage (Per Accessible Side of Fuel Island)	2
Other Retail/Service Businesses	4

5. Design Regulations
   a. The stacking lane shall be a minimum of nine feet (9') wide
   b. The stacking space shall be a minimum of nine feet (9') in width and twenty-three feet (23') in length.
   c. A stacking lane shall have clear pavement markings and signage to delineate and identify it and shall not interfere with on-site vehicular or pedestrian circulation.
   d. A stacking lane shall not block off-street parking spaces or be located in fire lanes.
   e. Any adjacent driveway to a stacking lane shall have clear pavement markings and have a minimum width of fourteen feet (14') for one-way vehicular traffic or twenty-five feet (25') for two-way vehicular traffic.
   f. Vehicles waiting to enter a stacking lane shall not be permitted within any public or private road right-of-way.
   g. For restaurants and other establishments serving and/or selling food and/or beverages, a minimum of three (3) parking spaces shall be provided for customer vehicles that are waiting for order pick-up. These parking spaces shall comply with the parking arrangements in Appendix "C".

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d. All vacuum cleaners and customer trash receptacles must be located behind the car wash facility and screened from adjoining lots and the road right-of-way.

e. Storage of car wash facility supplies shall be within the car wash facility building on the lot or in a detached building that may be located behind the car wash facility with a minimum setbacks per 4A.07.

f. Dumpsters shall be screened from adjacent lots and the road right-of-way and shall not be located in front of the car wash facility building.

g. Vehicle entry and exit lanes shall be clearly identified using pavement markings and/or signage and comply with 5.03(n)4. regarding stacking spaces.

h. Any exterior hand drying area shall be located adjacent to the car wash facility tunnel exit.

i. Car wash facility shall comply with all applicable regulations for B-1, B-1A, B-3, B-4 and I-1 zoning districts.

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

a. All wastewater shall be contained, treated, and/or recycled meeting Ohio E.P.A. standards and regulations.

b. Outdoor vehicle storage is not permitted.

c. A report from a qualified hydrologist demonstrating that an adequate groundwater supply is available to serve the car wash facility shall be provided with an application for a conditional zoning certificate

d. Noise levels shall not exceed those set forth in 4A.12.

e. There will be a review of the conditions after one year of operation or as determined by the Board of Zoning Appeals. 9/2022

(l) Automobile Sales: (7/21/10)

(1) Location and Access: Auto sales shall be a conditional use in the B-1 and B-1A Zoning districts and shall comply with 3.07.

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

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

(1) **Zoning Certificate:** Depending on their proposed uses, zoning certificate applications in all zoning districts shall be acted on by the Zoning Inspector. See 6.02 (8/15/18) (8/2022)

(2) **Zoning Certificate for Conditional Use:** Zoning Certificate applications for conditional uses in all zoning districts shall be acted on by the Board of Zoning Appeals and Conditional Zoning Certificates will be issued by the Zoning Inspector. See 6.02 and 6.05. (8/2022)

(3) **Appeal:** Appeal applications based on any alleged error in the interpretation or administration of the Resolution affected by the Zoning Inspector shall be acted on by the Board of Zoning Appeals; and Zoning Certificate issued by the Zoning Inspector shall be based on approval by the Board of Zoning Appeals. See 6.02 (a) and 6.05 (d). 8/15/18

(4) **Amendment:** Amendment application made by one or more owners or lessees of property in the area affected shall be acted on by the Commission and Trustees. See 6.02 (a) and 6.06.

(c) **Required Data:** The following application data in triplicate, or as may otherwise be required by this Resolution, shall be provided by the applicant.

(1) **Forms:** Each application shall include an application form supplied by the Zoning Inspector, and completed and certified by the applicant or his authorized legal representative.

(2) **Legal Descriptions:** Each application shall include a legal description of the subject lot or lots as recorded with the Geauga County Recorder; or, in the case of a platted subdivision, a copy of the plat showing the subject lot or lots as recorded with the Geauga County Recorder. **If the recorded legal description or plat of the subject lot or lots is not based upon a survey prepared by a professional land surveyor licensed in the State of Ohio or if the Zoning Inspector determines that the recorded legal description or plat is insufficient in order to ensure that the applicable regulations contained in this Resolution are met, then the Zoning Inspector may require that a legal description or plat based upon a survey of the subject lot or lots be prepared by a professional land surveyor licensed in the state of Ohio and submitted as a part of the application.**

(3) **Development Plans:** Unless waived or modified by the Zoning Inspector, each application shall include a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures and development including finished grades at contour intervals of two (2) feet.

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(2) **Hearings:** Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:

a. Any person may appear in person or by attorney.

b. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the Board of Zoning Appeals.

c. A party in interest shall be allowed:

1. To present his position, arguments, and contentions;

2. To offer and examine witnesses and present evidence in support thereof;

3. To cross-examine witnesses purporting to refute his position, arguments and contentions;

4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;

5. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.

d. The Board of Zoning Appeals shall be provided with the original plus ten (10) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the Board and safely kept and preserved by the Board.

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

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

a. All decisions shall include findings of fact of the Board of Zoning Appeals in support of the decision.

b. A decision of the Board of Zoning Appeals and the adoption of findings of fact shall be made at a public meeting of the Board of Zoning Appeals. The decision and the findings of fact of the Board shall be in writing and signed at a public meeting of the Board of Zoning Appeals by all members voting affirmatively thereon no later than ~~thirty (30) days~~ sixty (60) days from the last date of public hearing.

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(c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

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

9.04 CLASSIFICATIONS

SEXUALLY ORIENTED BUSINESSES are classified as follows:

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

9.05 LOCATION

(1) Sexually Oriented Businesses shall be classified as a conditional use and may be located only in accordance with the conditions contained below.

(2) Sexually Oriented Businesses may be located only in those areas that are zoned as an I-1 District.

(3) No Sexually Oriented Business may be established on any lot which has frontage, borders on or touches U.S. Route 422 (U.S.R. 422), **Washington Street (CH606)** or State Route 44 (SR44).

(4) No Sexually Oriented Business may be established within 600 feet of:

(a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of 600 feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

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