

# Munson Township

## Zoning Commission Meeting

Minutes of November 17, 2014

Chair Lenore Pikus called the meeting to order at 7:05pm, with Sandy Schultz and James Tekavec present. Dennis Medica arrived at 7:07 and Zoning Inspector, Tim Kearns arrived at 7:35. Also present Secretary Paula Friebertshauser and Secretary Kristen Bluemmel.

The Pledge of Allegiance was said.

James Tekavec moved and Sandy Schultz seconded to approve the minutes of October 20, 2014 as written, motion carried.

CORRESPONDENCE - Zoning Bulletin Issue – 10/25

ZONING RESOLUTION UPDATE – The board conducted a final review of the changes to the Zoning Resolution and determined that Exhibit A was complete and accurate.

Lenore Pikus moved the adoption of the following motion:

That an amendment to the Munson Township Zoning Resolution, identified as number 2014-01 consisting of 42 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Munson Township Zoning Commission this 17<sup>th</sup> day of November, 2014.

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

<u>Member</u>	<u>Yes or No</u>
Lenore Pikus	Yes
Dennis Medica	Yes
Sandy Schultz	Yes
James Tekavec	Yes

The motion was adopted by unanimous vote on the 17<sup>th</sup> day of November, 2014.

Dennis Medica moved the adoption of the following motion:

That the Munson Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2014-01 to the Munson Township Zoning Resolution as attached hereto on the 15<sup>th</sup> of December, 2014 at 7 p.m. at the Munson Township Hall, 12210 Auburn Road, Munson Township.

Sandy Schultz Seconded the motion and the roll being called, the vote of the Munson Township Zoning Commission was as follows:

<u>Member</u>	<u>Yes or No</u>
Lenore Pikus	Yes
Dennis Medica	Yes
Sandy Schultz	Yes
James Tekavec	Yes

The motion was adopted by unanimous vote on the 17<sup>th</sup> day of November, 2014.

James Tekavec moved to transmit a copy of the proposed amendment to the Zoning Resolution, together with the text pertaining thereto to the County Planning Commission. Lenore Pikus seconded the motion, motion carried.

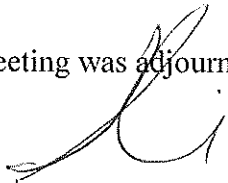
The above documents in their entirety are attached as part of the minutes.

#### ZONING INSPECTOR'S REPORT

Zoning requests have been slow. The report covering September and October certificates was reviewed. Tim Kearns noted that a new filing system has been implemented for zoning requests.

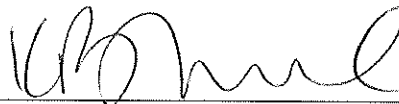
The next scheduled meeting is Monday, December 15, 2014.

The meeting was adjourned at 8:35pm.



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Lenore Pikus, Chair



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Kristen Bluemmel, Secretary

Attachments

# Zoning Commission

## Munson Township

Chardon, Ohio

COPY

NOV 18 2014

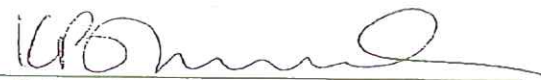
Geauga County  
PLANNING COMMISSION

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

The Munson Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment identified as number 2014-01 to the Munson Township Zoning Resolution with attached text pertaining thereto to the Geauga County Planning Commission this 17<sup>th</sup> day of November 2014.

Munson Township Zoning Commission

Attested to by:



Kristen Bluemmel, Secretary  
Munson Township Zoning Commission

Received by Geauga County Planning Commission this 18<sup>th</sup> day of November, 2014



Signature of Planning Commission Member or Employee

David C. Dietrich  
Planning Director

# Zoning Commission

## Munson Township

Chardon, Ohio

COPY

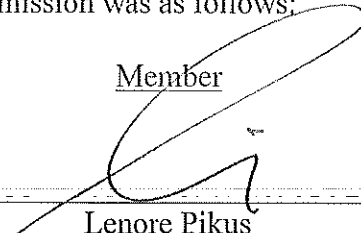
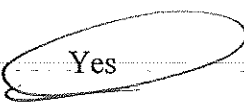
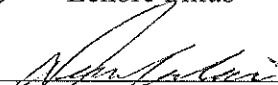
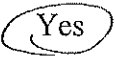
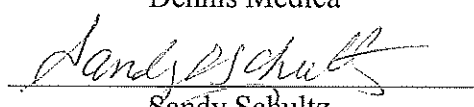
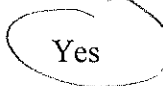
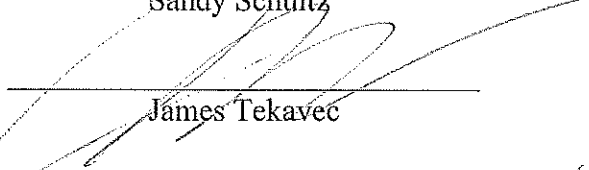
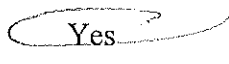
### MOTION TO INITIATE AMENDMENT TO MUNSON TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

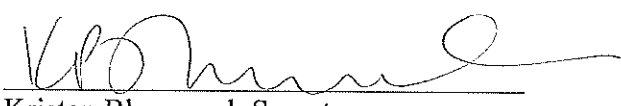
Lenore Pikus moved the adoption of the following motion:

That an amendment to the Munson Township Zoning Resolution, identified as number 2014-01 consisting of 42 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Munson Township Zoning Commission this 17th day of November, 2014.

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

<u>Member</u>	<u>Yes or No</u>
 Lenore Pikus	
 Dennis Medica	
 Sandy Schultz	
 James Tekavec	

Attested to by:

  
Kristen Bluemmel, Secretary  
Munson Township Zoning Commission  
November 17, 2014  
Date

# Zoning Commission

## Munson Township

Chardon, Ohio



MOTION TO SET DATE  
FOR PUBLIC HEARING ON  
PROPOSED AMENDMENT TO  
TOWNSHIP ZONING RESOLUTION  
R. C. 519.12 (A)

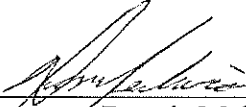
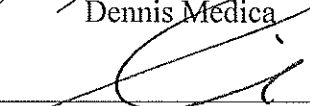

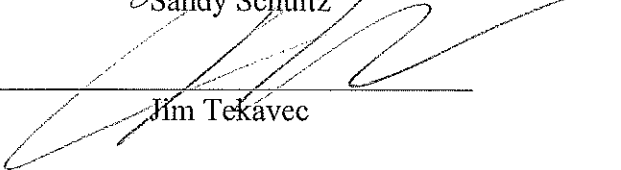
The Munson Township Zoning Commission, Geauga County, Ohio, met in regular session on the 17th day of November, 2014 at 7:00 p.m. with the following members present:

Dennis Medica, Lenore Pikus, Sandy Schultz, Jim Tekavec

Dennis Medica moved the adoption of the following motion:

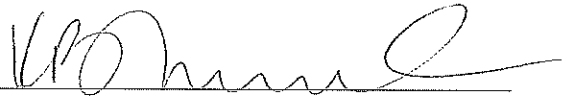
That the Munson Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2014-01 to the Munson Township Zoning Resolution as attached hereto on the 15th of December, 2014 at 7 p.m. at the Munson Township Hall, 12210 Auburn Road, Munson Township.

Sandy Schultz seconded the motion and the roll being called, the vote of the Munson Township Zoning Commission was as follows:

<u>Member</u>	<u>Yes or No</u>
 Dennis Medica	<input checked="" type="radio"/> Yes
 Lenore Pikus	<input checked="" type="radio"/> Yes
 Sandy Schultz	<input checked="" type="radio"/> Yes
 Jim Tekavec	<input checked="" type="radio"/> Yes

Adopted the 17th day of November, 2014

Attested to by:

  
Kristen Bluemmel, Secretary  
Munson Township Zoning Commission



## EXHIBIT A

### SECTION 202

### DEFINITIONS

Accessory Use or Structure - A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to such use or structure. A Zoning Certificate is not required for flagpoles, student bus stop shelters, mailboxes and fences as defined in Section 509.5.

Applicant - Record owner of the real property or owner's designated agent.

Assisted Living Unit - A residential accommodation designed for and intended to be occupied by individuals requiring supervision, assistance, skilled nursing or health care services, or who are otherwise dependent upon the services of others for help with everyday tasks such as bathing, dressing, and taking medications by reason of age, physical or mental impairment or similar infirmity. Typical services include but are not limited to: three meals a day in group dining services, personal care, medication assistance, provision of social services, supervision of persons with cognitive disabilities, exercise and recreation activities, laundry and housekeeping services, and transportation services.

Brine - All saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling or production of oil and gas wells.

Congregate Care Living Unit - A form of senior housing which permits independent living by seniors but combines privacy and companionship with private bedroom or living units and shared common areas for living space, social activities, dining, and amenities. Such facilities shall be designed to accommodate the special needs of elderly and/or infirm residents which may include wheelchair accessibility, emergency intercoms or call buttons, provisions of meals, housekeeping, social services, and transportation.

#### Care Centers

- a. Assisted Living Unit - A residential accommodation designed for and intended to be occupied by individuals requiring supervision, assistance, skilled nursing or health care services, or who are otherwise dependent upon the services of others for help with everyday tasks such as bathing, dressing, and taking medications by reason of age, physical or mental impairment or similar infirmity. Typical services include but are not limited to: three meals a day in group dining services, personal care, medication assistance, provision of social services, supervision of persons with cognitive disabilities, exercise and recreation activities, laundry and housekeeping services, and transportation services.
- b. Congregate Care Living Unit - A form of senior housing which permits independent living by seniors but combines privacy and companionship with private bedroom or living units and shared common areas for living space, social activities, dining, and amenities. Such facilities shall be designed to accommodate the special needs of elderly and/or infirm residents which may include wheelchair accessibility, emergency intercoms or call buttons, provisions of meals, housekeeping, social services, and transportation.
- c. Continuing Care Center - A campus, or comparable coordinated complex with facilities and services intended to provide habitation and continuing care for individuals, or couples of which either one is aged fifty-five (55) years or over, and consisting at a minimum of

ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

d. Home for Adjustment—A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes:

1. to assist them in recuperating from the effects of drugs or alcohol;
2. to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
3. to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.

The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, state or local agency having authority under law to license the operation.

e. Institution—A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

Condensate—Liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

Contractor (for Article 9)—Any third party engaged by an owner or producer to conduct drilling, producing and other operations.

Customer Service Line—Any pipeline or continuous conduit used for the purpose of transporting gas or oil to some or any structure where it is to be directly used for heating or any other purpose other than those listed for Transmission or Gathering Lines.

Designated Agent—an individual, corporation, LLC or other entity authorized by the owner to act on his behalf pursuant to Munson Township's Form #D-1 (Letter of Authorization and Representation).

Division (for Article 9)—Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

Domestic Employee—A person living on the same premises of a property owner or lessee and providing personal services to the owner or lessee.

Dormant Well—An oil and gas well that meets all of the following criteria:



Kennel - Any building, structure or land where dogs or other domesticated pets are boarded, cared for, bred or kept for remuneration.

Loading/Unloading Space – A space provided for pick-ups and deliveries for all nonresidential uses.

Main Roadway – A major road for any form of motor transport.

Monopole – A structure composed of a single spire.

Motel/Hotel - A building or group of buildings in which lodging is provided and offered to the public for compensation.

Motor Vehicles – A road vehicle powered by an internal combustion engine or electric current (does not include mobile homes and recreational vehicles).

Nursery, Child Care – ~~A building used for the commercial care of five (5) or more children who are not members or wards of the owner or his immediate family. All child care nurseries shall possess an appropriate license from the Ohio Department of Public Welfare as required.~~

Nursing Home - A home as defined in O.R.C. Section 3721.01 and 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.

Oil – ~~Crude petroleum oil and all other hydrocarbons, regardless of specific gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.~~

Oil and Gas – Oil or gas or both.

Open Storage – Storing or keeping of tangible property not enclosed in a building.

Owner (for Article 9) – ~~The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.~~

Parking Lot – An off-street area designed for parking of vehicles.

Parking Space - An off-road space designed for parking of vehicles in association with a specific use.

Place of Public Assembly – Publicly-owned and operated community, civic, or recreation center.

Place of Worship – A structure used for public or common worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

Principal Uses - The main use to which the premises are financially devoted for business or the main purpose for which the premises exist.



- b. ~~Road Grade Line~~ – the elevation of the centerline of a road as established by construction or usage at the section of road in question.

Screening - Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation.

Seat - For the purposes of determining the number of parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four lined inches of benches, pews, or space for loose chairs.

Setback Line - A line parallel to the front lot line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line.

- a. Front Setback Line – A line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure other than a fence is to be set back from the front lot line. (See Illustration below)
- b. Side Setback Line – A line parallel to any side lot line representing the distance which all or any part of any principal structure is to be set back from the side lot line. (See Illustration below)
- c. Rear Setback Line – A line parallel to any rear lot line representing the distance which all or any part of any principal structure is to be set back from the rear lot line. (See Illustration below)

#### Sexually Oriented Businesses

- a. Adult Arcade – An establishment where coin operated or slug/token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas." See also video viewing booth or arcade booth.
- b. Adult Bathhouse or Sauna – A steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- c. Adult Cabaret – A building or portion thereof including a nightclub, bar, restaurant or similar establishment, which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:
  1. Persons who appear in a state of nudity, or
  2. The exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.
- d. Adult Massage Business – Any establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other

the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

- k. Adult Sexual Paraphernalia Business – An establishment, which devotes forty percent (40%) of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.
- l. Adult Theater – An establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- m. Body-Painting Studio – An establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.
- n. Display Publicly – The act of exposing, placing, posting, exhibiting, or any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.
- o. Establishment – Any business regulated by this article.
- p. Explicit Sexual Material – Any hard-core material.
- q. Gross Public Floor Area – The total area of a building accessible or visible to the public including showrooms, merchandise display areas, and arcades; including the aisles, hallways, and entryways serving such areas.
- r. Hard-Core Material – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- s. Lingerie or Adult Modeling Studio – An establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas.
- t. Nude Photography Studio – An establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.
- u. Nudity – The showing of either of the following:
  - 1. The human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or

Temporary Use or Structure - A use or structure permitted to exist for a designated length of time during periods of construction of the principal use or structure, or for special events. A Temporary Structure shall not be intended to be permanently affixed to the ground.

~~Townhouse - Two single-family dwelling units with a common sidewall.~~

Trailer Camp or Park - An area where trailers may be rented and parked or space for a trailer may be rented.

~~Transmission Line (for Article 9) - Any pipeline or continuous conduit used for the purpose of transporting oil and gas from some or any collection point to some or any other distribution point.~~

Travel or Camp Trailers - A trailer towed behind a motor vehicle.

Variance - A variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances may be granted only after the applicant has followed the procedures as stated in Article 12, Section 1202.

Veterinary Animal Facility - A place used for the care, grooming, diagnosis, and treatment of sick, infirm, or injured animals, and those who are in need of medical or surgical attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

~~Well Site - Shall be defined to include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.~~

Zoning Inspector - The Zoning Inspector appointed by the Township Trustees of Munson Township, Geauga County, Ohio.

#### **SECTION 401                      R-1 RESIDENTIAL DISTRICT**

##### **401.2                              Permitted Principal Uses and Structures**

- b. Places of Worship as regulated in Article 5.
- e. Licensed Residential Facilities as defined in O.R.C. 5123.19 (O)
- f. Type B family day-care home and Type B home - See Section 524.1

#### **SECTION 402                      R-2 RESIDENTIAL DISTRICT**

##### **402.1                              Permitted Principal Uses and Structures**

- b. Places of Worship as regulated in Article 5.

#### **SECTION 403                      R-3 RESIDENTIAL DISTRICT**

##### **403.1                              Permitted Principal Uses and Structures**

- b. Places of Worship as regulated in Article 5.

35. Laundry and dry cleaning establishments
36. Lawn maintenance equipment sales and service
37. Medical clinics
38. Motor Vehicles - parts and accessories, sales, repair stations and/or service stations, sales or rentals
39. Musical instrument sales and repair
40. Off- road parking lots
41. Office supply sales
42. Paint, glass, and wallpaper sales
43. Pets and pet supply sales
44. Photographic studios
45. Places of Worship
46. Plumbing, electrical, and similar supply sales
47. Printing services
48. Private schools: art, dancing, music, business, and driver training
49. Professional offices
50. Public buildings and/or uses which are supported in part by taxes or special public assessments. Such uses include but are not limited to: parks, libraries, schools, fire stations, public administrative offices, and community centers.
51. Radio and television sales and service
52. Restaurants
53. Shoe sales
54. Sporting goods sales
55. Swimming pool sales
56. Taverns
57. Universities
58. Veterinary services with or without kennels provided that any outside animal area is located a minimum of five hundred (500) feet from any residential district.

408.2

#### ***Permitted Principal Uses***

Manufacturing or industrial uses are limited to the following. The owner shall present proof that proposed on-site water and sewage disposal facilities have been approved by the Geauga County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Certificate shall be issued.

#### **SECTION 507**

#### ***PLACES OF WORSHIP***

- 507.1 The minimum lot area shall be in accordance with the regulations affecting the district in which the Place of Worship is located.

#### **SECTION 509**

#### ***ACCESSORY STRUCTURES***

- 509.2 No garage or other accessory structure shall be erected within the front yard of any district, except for fencing and a student bus stop shelter.
- 509.3 Accessory structures shall be located within the side and rear yards as set forth in Section 411. Accessory structures shall not be closer than fifteen (15) feet to the principal structure, except for the following freestanding structures: swimming pools, fences, dish antennas, decks, and gazebos.

**SECTION 516                      STORAGE OF CONSTRUCTION EQUIPMENT AND OTHER LARGE VEHICLES**

**516.1                              Construction Equipment Within Residential Districts**

Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar equipment used for commercial purposes, other than equipment temporarily used for construction upon the site, shall not be permitted within any Residential District.

**SECTION 518                      DEBRIS ON ROADS**

Any mud, trash or debris left on roads or highways, deposited by any person or vehicles is to be immediately removed by the responsible person and such road or highway surface to be returned to, and maintained in, a safe condition for public driving.

**SECTION 519                      TEMPORARY USES**

**519.1                              Carnivals, Circuses, Tent Meetings, Bazaars, Festivals, Art Shows, or Other Similar Public Events**

The above referenced activities may be permitted within any non-residential district and upon place of worship, school or other similar sites within any residential district. No certificate shall be issued unless the written consent of fifty-one percent (51%) of the owners of all residentially used property within four hundred (400) feet of the temporary use site is first filed with the Zoning Inspector at least forty-eight (48) hours prior to commencement of the event. Such uses shall only be permitted on lots where adequate off- road parking can be provided and shall not be permitted for a period longer than fifteen (15) days.

**519.2                              Temporary Offices**

Temporary offices for contractors and equipment sheds incidental to a construction project may be permitted within any district. The certificate shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Certificate, whichever occurs sooner.

**SECTION 520                      HOME OCCUPATIONS**

No person shall engage in a Home Occupation, or materially alter the scope of an existing Home Occupation, within the Township unless and until applicant has applied for, and the Zoning Inspector has issued, a Zoning Certificate pursuant to Article 12 of this Zoning Resolution.

Home Occupations shall not:

- b. Produce unreasonable and excessive noise, smoke, dust, heat, odor, or vibration that would disturb a reasonable person of ordinary sensibilities;

**SECTION 524                      CARE CENTERS**

**524.1                              Child Day-Care Center**

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 age at one time and as defined in O.R.C. Section 5104.01 (UU) or as amended.

**524.2                              Licensed Residential Facility**

As defined in O.R.C. 5123.19 (O) as amended.

**SECTION 604                      TRAILER CAMPS OR PARKS**

The commercial operation of trailer camps or parks is prohibited.

**SECTION 605                      HABITATIONAL USE**

The use of mobile homes, travel or camp trailers, or recreational vehicles for regular and continuing human habitation purposes is prohibited.

**SECTION 609                      WAR AND SURVIVAL GAMES**

War games, survival games, or other recreational games simulating warfare and survival activities involving use of and the discharging of projectiles are prohibited.

**SECTION 610                      OBJECTIONABLE USES**

Any use that is objectionable by reason of odor, radiation, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter, or wastewater.

**SECTION 701                      INTENT AND PURPOSE**

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these nonconformities to continue until they are removed, but not to encourage their continuance. Additionally these nonconformities shall not be enlarged upon, expanded, or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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, dwelling units or in the number of persons using the property. See O.R.C. 519.19, and as amended thereafter.

~~The conditional use as a golfing facility shall be void upon change of ownership or lease unless a new application is made for such a certificate within fifteen (15) days after change of ownership or lease.~~

#### **SECTION 804                    *SOLID MINERAL EXTRACTION OPERATIONS***

The purpose of this section is to insure that the solid mineral resources of Munson Township are properly managed, and that all land used for solid mineral extraction be properly located, screened, and reclaimed so as not to create a hazard or nuisance which may adversely affect the health, safety, or general welfare of the community, either immediately or in the future. Quarries, sand, peat and gravel operations, or other solid mineral extraction operations may be permitted as a conditional use within the Industrial District upon submission of satisfactory proof that such operations will not be hazardous to the neighborhood or surrounding properties. In addition to meeting the requirements of O.R.C. 519.141 as amended, the applicant shall be required to comply with the following conditions:

- 804.10 All solid mineral extraction operations shall be located at least one hundred (100) feet from the right-of-way line of any existing or platted road, highway or railway.
- 804.11 Banks shall be graded to a level suiting the existing terrain and planted with native trees, shrubs, or grasses.
- 804.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, no applicant shall be granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided unless they shall furnish a reclamation plan. A performance bond running to the Fiscal Officer of Munson Township, Geauga County, Ohio, may also be required by the Board of Zoning Appeals. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a time period set forth by the Board of Zoning Appeals meet the requirements of this section.

#### **SECTION 805                    ~~COMMUNITY-BASED RESIDENTIAL SOCIAL SERVICE FACILITIES~~**

~~Residential facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment shall be permitted only in accordance with the following provisions:~~

- ~~805.1    Group Care Homes    These may be permitted within an adequately sized unattached residential dwelling within designated residential districts subject to the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:~~
  - ~~a.    No group care home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the state of Ohio.~~



- b. To accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
- c. To promote collocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.
- d. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
- e. To protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.
- f. To encourage monopole wireless tower construction where feasible.
- g. This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

808.1—A wireless telecommunications tower and appurtenant facilities may be located, relocated, erected, constructed, reconstructed, altered, removed or enlarged on a lot in any district as noted in Section 808.2 as a conditional use, subject to the approval of the board of zoning appeals, pursuant to the procedure set forth in Section 801 of this resolution and the following conditions as well as the regulations specified in Section 808.

- a. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100-year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Georgia County.
- b. No wireless telecommunications tower, equipment building, or appurtenant facility shall be located within a jurisdictional wetland as depicted on the maps published by the U.S. Fish and Wildlife Service, Department of the Interior, or other government agency, for Georgia County.
- c. A security fence not less than eight (8) feet in height shall fully enclose the base of the wireless telecommunications tower, the equipment building, and appurtenant facilities. Gates shall be locked at all times.
- d. Evergreen trees or shrubbery not less than eight (8) feet in height shall be planted along the exterior perimeter of the security fence so as to screen it from view. Existing vegetation on the site shall be preserved to the maximum possible extent. Landscaping on the site shall be continuously maintained and promptly restored as necessary.

or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 808.1 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within 30 days from the receipt of a written request sent by certified mail (return receipt requested) for collocation. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted.

The applicant shall further demonstrate that collocation is not feasible for the following reasons:

1. The planned equipment would exceed the structural capacity of existing or approved towers or structures as documented by a licensed professional engineer; and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  2. The proposed equipment would cause radio frequency interference with other existing or planned equipment which cannot be prevented at a reasonable cost as documented by a licensed professional engineer.
  3. The existing or approved towers or structures do not have space on them to accommodate the proposed equipment so it can function effectively and reasonably as documented by a licensed professional engineer.
  4. Collocation would violate federal, state, or county regulations.
  5. The location of existing towers or buildings is not technically suitable due to topography or other impediments to transmission as documented by a licensed professional engineer.
  6. Existing or approved towers or structures cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
- n. The owner/operator of a free-standing monopole wireless telecommunications tower shall be required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. The owner/operator of a free-standing lattice wireless telecommunications tower shall be required to allow collocation for a minimum of five (5) additional antenna platforms of equal loading capacity for five (5) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this regulation as well as all other applicable requirements, regulations and standards set forth herein.
- o. The owner of any wireless telecommunications tower erected under this section shall be required to accept collocation of any other antenna(s) except upon a showing of technological nonfeasibility set forth herein.
- p. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for

2. ~~The minimum setback from the nearest lot line or principal structure to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 100% of the height of the tower or monopole.~~
3. ~~The maximum total combined area of an equipment shelter(s) accessory to a free-standing monopole or lattice wireless telecommunications tower shall be 400 square feet. The maximum height of an equipment shelter shall be 12 feet. Within a residential zone, an equipment shelter shall be completely located below the natural grade of the ground. An equipment shelter shall be constructed in accordance with all OBBC, BOCA, and county building codes. The equipment shelter shall be subdivided so as to allow the installation of equipment for other providers who have collocated on the same wireless tower.~~
4. ~~A free-standing monopole wireless telecommunications tower shall be designed to support the collocation of at least three (3) antenna platforms of equal loading capacity. A free-standing lattice wireless telecommunications tower shall be designed to support the collocation of at least six (6) antenna platforms of equal loading capacity.~~
5. ~~A wireless telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this section of the zoning resolution.~~

#### 808.2 ~~Allowed Areas~~

~~Telecommunication towers and facilities must meet all requirements of Section 808 in any area.~~

- a. ~~Industrial districts: telecommunication towers and facilities are allowed as a conditional use.~~
- b. ~~Commercial districts: telecommunication towers and facilities are allowed as a conditional use.~~
- c. ~~Medical Use districts: telecommunication towers and facilities are allowed as a conditional use.~~
- d. ~~Institutional districts: telecommunication towers and facilities are allowed as a conditional use.~~
- e. ~~Residential districts: telecommunication towers and facilities may be allowed where a tower is compatible with the general character and aesthetics of the surrounding area, and shall not have a significant detrimental impact on adjacent property values. Substantial evidence must be presented that for technical and commercial purposes, the communication towers cannot be erected in the Industrial, Commercial, Institutional, or Medical Use districts. Towers and facilities require a conditional use permit.~~

#### 808.3 ~~Fees~~

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

#### 808.4 ~~Public Utility Exemption~~

requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:

1. All requirements of Section 808.5 a through c are met;
2. The public utility provides both of the following by certified mail:
  - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - (1) The public utility's intent to construct the tower; and
    - (2) A description of the property sufficient to identify the proposed location; and
    - (3) That no later than fifteen (15) days after the date of mailing and the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
  - b. Written notice to the board of township trustees of the information specified in subsection d.2.a of this section; and
3. If the board of township trustees receives notice from a property owner under subsection d.2.a.(3) of this section within the time specified in that subsection, or if a trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under subsection d.2.b. of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be sent no later than five (5) days after the earlier of the date the board of trustees first receives such a notice from a property owner or the date upon which a trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this zoning resolution shall apply to the tower without exception. If the board of township trustees, however, receives no notice under subsection d.2.a. of this section within the time prescribed by that subsection or no trustee has an objection as provided under this subsection d.3. within the time prescribed by this subsection, the applicant will be exempt from the regulations of this zoning resolution.

#### **808.5 Site Plan**

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

- a. The site plan shall be prepared by, signed, dated, and bear the stamp and registration number of a licensed professional surveyor.
- b. The site plan shall be based upon a survey, drawn to scale, have a north arrow, and show the location and dimensions of the wireless telecommunications tower and

Adult media — Magazines, books, videotape movies, slides, cd-roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

Adult media store — An establishment which, as one of its principal business purposes, rents and/or sells media for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; or
- c. It advertises or markets itself in any form as "X rated," "adult," "sex," or otherwise as a sexually or adult-oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

Adult motel or hotel — An establishment which:

- a. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- b. Rents, leases or lets any single room or suite for a period of time that is less than ten (10) hours; or
- c. Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
- d. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

Adult motion picture theater — An establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult oriented business — An establishment which is designated and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning adult arcade, adult media store, adult motion picture theater, adult theater, adult paraphernalia business, and an adult sexual encounter business. An adult oriented business includes a sexually oriented business.

Adult sexual encounter business — An establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, body painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

~~Specified anatomical areas~~—Less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and the male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~Specified sexual activities~~—Any of the following:

- ~~a. Human genitals in a state of sexual stimulation or arousal;~~
- ~~b. The fondling of or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;~~
- ~~c. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;~~
- ~~d. Masturbation, actual or simulated; or~~
- ~~e. Excretory functions as part of, or in connection with, any of the activities set forth herein above.~~

~~Video viewing booth or arcade booth~~—Any booth, cubical, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video, tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by patrons therein. A video viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than 5000 square feet of floor area.

## **SECTION 808 PLACES OF WORSHIP**

Places of Worship may be permitted as a Conditional Use within Residential Districts where the Board of Zoning Appeals determines that such use will be located on a main roadway and will not create undue impacts to the adjoining residential neighborhood with regard to traffic generation, noise, hours of operation, lighting, or storm runoff. Places of Worship granted a Conditional Zoning Certificate shall comply with the provisions of 507 and any additional conditions attached to such approval by the Board of Zoning Appeals.

## **SECTION 901 WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES**

The purpose of this section is to regulate wireless telecommunications antennas, towers and facilities in order to promote public health, safety, and general welfare in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:

- a. Protect all zoning districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
- b. To accommodate the wireless telecommunications towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public law 104-104) in order to enhance telecommunications services and competition particularly wireless telecommunications service.
- c. To promote collocation as an alternative to siting new wireless telecommunications towers and appurtenances; and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunications antennas.
- d. To consider the public health and safety issues surrounding wireless telecommunications towers and appurtenances.
- e. To protect adjacent properties from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.

- e. A detailed engineering report shall be prepared and submitted by a licensed professional engineer selected and paid for by the applicant, and shall provide proof of compliance with all applicable federal, state and county regulations. The report shall include a detailed site plan as required by Section 901.6 of this resolution; a detailed description, of the wireless telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity including the number and types of antennas it can accommodate; shall demonstrate compliance with the ANSI/EIA 222-F specifications verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation (and to allow for future collocation of additional antennas); and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.
- f. A wireless telecommunications tower, equipment building, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.
- g. A wireless telecommunications tower should be painted a non-contrasting color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- h. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- i. Not less than two (2) and no more than four (4) warning signs, the maximum size of which shall be 2.25 square feet, shall be clearly visible on the gate and fence as well as an emergency telephone number. The applicant shall also provide the fire department, the township police (or county sheriff's) department, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency. No other signs shall be posted on the site.
- j. A wireless telecommunications tower, equipment shelter, and appurtenances shall not be artificially lighted except to assure safety as may be required by the Federal Aviation Administration (FAA). If lighting is required, white strobe lights shall not be permitted unless no other alternative is allowed by the FAA. Proof of compliance with all FAA criteria shall be required and a copy of the final review by the FAA shall be submitted.
- k. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- l. The driveway to the site shall be a minimum of twelve (12) feet in width and shall be setback a minimum of fifteen (15) feet from the nearest side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.
- m. The collocation of antennas on lawfully existing towers or structures shall be preferred over the construction of new wireless telecommunications tower sites. If there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on a lawfully existing tower or structure within the geographic area to be served, including the areas set forth in Section 901.2 then with the zoning certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in Section 901.2 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in Section 901.2. If another tower or structure or area set forth in Section 901.2 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower or structure



- q. There shall be no storage outside of the security fence of equipment or other items on the site except during the construction period, for ordinary maintenance, or in times of a power outage.
- r. The minimum distance between wireless telecommunications towers and facilities shall be one thousand twelve hundred and fifty (1,250) feet.
- s. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances is discontinued for sixty (60) consecutive days, said facilities shall be deemed abandoned. The owner or operator shall notify the zoning inspector, in writing, of any non-use longer than twenty-one (21) days and the expected date of re-use. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within thirty (30) days or it must be dismantled and removed from the site at the cost of the owner or lessee within one hundred and twenty (120) days. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall be revoked following a hearing thereon by the board of zoning appeals. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject lot shall at all times be kept in good repair. The board of zoning appeals shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a conditional zoning certificate to ensure such conditions, including but not limited to the removal of the tower, are met.
- t. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- u. Wireless telecommunications towers, antennas, and appurtenances mounted to a building or structure
  - 1. A wireless telecommunications tower, antenna, and appurtenances may be mounted to a lawfully existing building or structure (other than a dwelling) or to a proposed building or structure (other than a dwelling) provided the maximum height of the tower, antenna, or appurtenances shall not exceed twenty (20) feet above the highest point of the roof line.
  - 2. There shall be no more than one wireless telecommunications tower(s) or six antenna(s) mounted on a legally existing building or structure.
  - 3. A wireless telecommunications tower, antenna, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, including minimum yards (setbacks), except as may otherwise be specified in this section of the zoning resolution.
  - 4. A written report prepared by a licensed structural engineer shall be submitted indicating that the building or structure upon which a wireless telecommunications tower, antenna, and appurtenances may be mounted will support same. This report shall be verified by an independent licensed structural engineer chosen by the township and paid for by the applicant.
- v. Free-standing wireless telecommunications towers, antennas, and appurtenances
  - 1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed one hundred and fifty (150) feet. The maximum height of a free-standing lattice wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed two hundred (200) feet.
  - 2. The minimum setback from the nearest lot line or principal structure to the base of a wireless telecommunications tower, antenna, and appurtenances shall be 100% of the height of the tower or monopole.
  - 3. The maximum total combined area of an equipment shelter(s) accessory to a free-standing monopole or lattice wireless telecommunications tower shall be

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
5. Whether the good or service is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is a regulation by a government authority and the extent of that regulation;
8. Whether the applicant possesses the power of eminent domain.

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

- c. If the Zoning Inspector determines to deny the applicant such "public utility" status, the inspector shall do so in writing and state the reasons therefor. Such decision of denial by the zoning inspector may not be a final decision by the township on the issue. Any determination by the zoning inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on the issue.
- d. In the event a wireless telecommunications tower and appurtenant facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 above as follows:

1. All requirements of Section 901.6 a through c are met;
2. The public utility provides both of the following by certified mail:
  - a. Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - (1) The public utility's intent to construct the tower; and
    - (2) A description of the property sufficient to identify the proposed location; and
    - (3) That no later than fifteen (15) days after the date of mailing and the notice, any such property owner may give written notice to the board of township trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or

- d. The dimensions of all buildings, structures, driveways, parking areas, and all appurtenant facilities shall be provided.
- e. Existing easements of record and proposed easements with dimensions shall be shown.
- f. A copy of a title examination for the subject premises shall be submitted.
- g. The shipping weight of the wireless telecommunications tower, antenna(s), equipment shelter(s), and all appurtenances shall be provided. The delivery route shall be given and subject to review as to road weight limits.
- h. Proof of compliance with the regulations of the Geauga Soil and Water Conservation District with respect to soil erosion and stormwater runoff shall be submitted.

1003.1                      **Measurement of Sign Area**

The surface or face of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area. Sign area shall not exceed twenty (20) square feet, except as otherwise specified herein.

~~1003.5                      **Election Signs**~~

~~Election signs are permitted for a period beginning not more than sixty (60) days before a duly authorized election date. These signs may not remain for more than seven (7) days after the election(s) to which they pertain.~~

1003.5                      **Signs Permitted in the Commercial, Industrial, Institutional and Medical Use Zoning Districts**

Only the following designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial, industrial, institutional and medical use zoning districts upon the issuance of a zoning certificate and subject to the following limitations:

- a. Each commercial, industrial, institutional or medical complex may be permitted the following signs on the premises:
  - 1. One (1) wall sign, per business entity, which shall have a maximum area of forty (40) square feet, and
  - 2. One (1) ground sign, which shall have a maximum area of twenty (20) square feet per sign face and shall be no higher than six (6) feet as defined in Section 1003.2.

1003.6                      **Temporary Signs**

Temporary signs not previously mentioned in this section intended to draw attention to a particular activity shall be removed within three (3) days following the activity. Not more than one (1) on-site sign which shall not exceed an area of thirty-six (36) square feet per sign face, and two (2) off-site signs, which shall not exceed an area of twenty (20) square feet per sign face each, shall be permitted. Temporary signs are not permitted to be erected more than thirty (30) days prior to a particular activity.

1003.7                      **Electronic Changeable Signs**

the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted to the Geauga Soil and Water Conservation District and approved for the subject lot.

- h. The proposed parking plan and number and location of proposed off-road parking or loading spaces;

#### 1201.2                      ***Processing of Certificate***

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector shall issue a Zoning Certificate. One copy of the application shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One (1) copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Certificate he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

#### 1201.3                      ***Beginning of Construction***

If the construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance, said zoning certificate shall be revoked by the township zoning inspector.

#### 1201.4                      ***Renewal of Certificate***

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#### 1201.5                      ***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 a resolution of the Board of Township Trustees.

### **SECTION 1204                      VIOLATIONS AND PENALTIES**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safe-guards established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) for each offense and in addition shall pay all costs and expenses involved in the case. Each day said violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.