

Munson Township
Zoning Commission Special Meeting
Minutes of December 21, 2024

Nicholas Christie called the meeting to order at 6:00 pm with Kurtis Taylor, Edward Hren and Adriano Fiucci present. Also present was Zoning Inspector James Herringshaw and Secretary Julie Johnston. Glen Peck was absent. The Pledge of Allegiance was said.

Nicholas Christie read the letter from the Geauga County Planning Commission. They held their meeting on December 10, 2024 and voted to recommend approval of the proposed Munson Township Zoning Amendment 2024-01 that we initiated on November 21, 2024.

There was no public comment.

Nicholas Christie made a motion that was seconded by Kurtis Taylor to close the public hearing and open the regular meeting at 6:02 pm. Motion carried, 4-0.

Nicholas Christie moved and Edward Hren seconded that the Munson Township Zoning Commission recommends the approval of proposed amendment (2024-01) to the Munson Township Zoning Resolution as attached hereto.

Nicholas Christie moved that the Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2024-01 to the Munson Township Zoning Resolution together with the attached motion and text pertaining thereto, and the attached recommendation of the Geauga County Planning Commission to the Munson Township Board of Trustees this 19th day of December 2024. seconded by Adriano Fiucci.

Kurtis Taylor moved and Edward Hren seconded to approve the minutes of November 21, 2024 as written. Motion carried, 3-0.

Zoning Inspector Report

November was a slower month which is typical for this time of year.

Kurtis Taylor moved and Glen Peck seconded that the next meeting will be held on Wednesday, January 8, 2025 at 6pm at Munson Town Hall. Motion carried, 4-0.

Nicholas Christie moved and Edward Hren seconded to adjourn the meeting at 6:13pm. Passed Unanimously. Motion carried, 4-0.



Nicholas Christie, Chair



Julie Johnston, Secretary

Zoning Commission

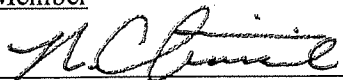
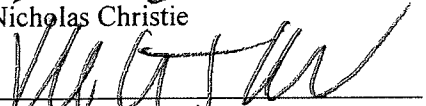
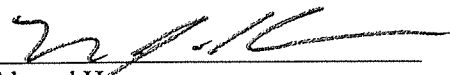

Munson Township

Chardon, Ohio


SUBMISSION OF RECOMMENDATION
OF TOWNSHIP ZONING COMMISSION
ON PROPOSED AMENDMENT TO ZONING
RESOLUTION TOGETHER WITH MOTION AND TEXT
PERTAINING THERETO AND THE
RECOMMENDATION OF THE COUNTY
PLANNING COMMISSION TO THE BOARD
OF TOWNSHIP TRUSTEES
R. C. 519.12 (E)

The Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2024-01 to the Munson Township Zoning Resolution together with the attached motion and text pertaining thereto, and the attached recommendation of the Geauga County Planning Commission to the Munson Township Board of Trustees this 19th day of December 2024.

Munson Township Zoning Commission

<u>Member</u>	<u>Yes or No</u>
 Nicholas Christie	Yes
 Kurtis Taylor	Yes
 Edward Hren	Yes
 Adriano Fiucci	Yes

Attested to by:


Julie Johnston, Secretary
Munson Township Zoning Commission

Received by Munson Township Board of Township Trustees this _____ day of December 2024.

Todd Ray, Township Fiscal Officer

Zoning Commission

Munson Township

Chardon, Ohio

RECOMMENDATION OF
TOWNSHIP ZONING COMMISSION
CONCERNING PROPOSED AMENDMENT
TO ZONING RESOLUTION
R. C. 519.12 (E)

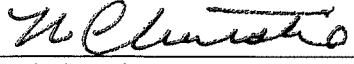
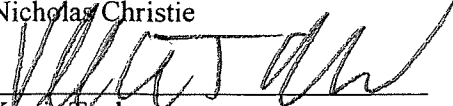


The Munson Township Zoning Commission, Geauga County, Ohio, met in special session on the 19th day of December 2024 at 6:00 p.m. with the following members present:

Nicolas Christie, Kurtis Taylor, Glen Peck, Edward Hren, and Adriano Fiucci

Nicholas Christie moved the adoption of the following motion:


That the Munson Township Zoning Commission recommends the approval of proposed amendment (2024-01) to the Munson Township Zoning Resolution as attached hereto.

Edward Hren 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>
 _____ Nicholas Christie	Yes
 _____ Kurtis Taylor	Yes
 _____ Edward Hren	Yes
 _____ Adriano Fiucci	Yes

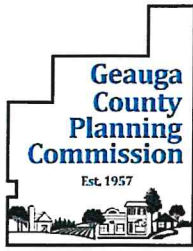
Adopted the 19th day of December 2024

Attested to by:


Julie Johnston, Secretary
Munson Township Zoning Commission

Received by Munson Township Board of Township Trustees this _____ day of December 2024.

Todd Ray, Township Fiscal Officer



Geauga County Planning Commission

12611 Ravenwood Dr. • Suite #380 • Chardon, OH 44024
Phone: (440) 279-1740 • Email: Planning@co.geauga.oh.us
<https://bocc.geauga.oh.gov/departments/planning-commission>

December 11, 2024

Ms. Julie Johnston, Secretary
Munson Township Zoning Commission
12210 Auburn Road
Chardon, Ohio 44024

Re: Proposed Zoning Amendment 2024-01
Initiated on November 21, 2024, by the Munson Township Zoning Commission

Please be advised that the Geauga County Planning Commission at its meeting held on December 10, 2024, voted to recommend approval of the proposed Munson Township Zoning Amendment 2024-01 as initiated by the Munson Township Zoning Commission on November 21, 2024.

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. After the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Township Trustees, a copy thereof must be provided to this office within five (5) business days after its effective date. Additionally, if the amendment is adopted, once effective, remember to update the zoning resolution on the Township's website.

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

Sincerely,

A handwritten signature in blue ink that reads "Linda M. Crombie".

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

c: Susan Wieland, APA
Amendment file

EXHIBIT A

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, and mailboxes.~~

Basement - Floor space in a building partially or wholly underground, but having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is subdivided and used for dwelling or business purposes by other than a janitor employed on the premises. (See following illustration ~~on next page~~)

Junk - ~~Means~~ Waste, discarded or salvaged materials including, but not limited to scrap metals, building materials, batteries, glass, paper, rags, rubber, cordage, barrels, machinery and junk vehicles or parts thereof.

Junk Vehicle - ~~Means~~ Any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Public Utility - Any company or other legally existing entity which holds a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the Zoning Inspector or the Board of Zoning Appeals, **per Section 901.3 herein, and** based upon the following factors relative to (A) public service and (B) public concern.

a. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?
4. **Are there any applicable statutory or regulatory requirements that the service be accepted?**
5. **Is there a right of the public to demand and receive the service?**

b. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does market-place competition force providers to stay fairly priced?)
3. **Is there public regulation or oversight of rates and charges?**

Setback Line - A line parallel to any 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 **the following** illustration ~~below~~)
- b. Side Setback Line - A line parallel to any side lot line representing the distance which all or any part of any structure other than a fence is to be set back from the side lot line. (See **the following** illustration ~~below~~)

- c. Rear Setback Line – A line parallel to any rear lot line representing the distance which all or any part of any structure other than a fence is to be set back from the rear lot line. (See the following illustration below)

Zoning Map - The Zoning Map of Munson Township as adopted as part of this Resolution. The original of the Zoning Map is signed by the Township Trustees.

SECTION 302 OFFICIAL ZONING DISTRICT MAP

The Zoning Districts and their boundaries are shown on the Official Zoning District Map of Munson Township Zoning Map. The Official Zoning District Map shall be identified by the signature of the Township Trustees, attested by the Township Clerk. The map, together with all explanatory data and changes, is hereby incorporated into and made part of this Resolution. The original and one copy of the official Zoning Map are to be maintained and kept up-to-date by the Zoning Commission. Except where specific Zoning District boundaries are specifically given in the text of the Resolution [e.g. Section 409.1], the Mylar original shall be the final authority as to the current zoning status of lands within the township.

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.4 Boundaries indicated as parallel to or extensions of features or lines indicated in sub-sections 303.1 through 303.3 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

~~401.1~~ **District Boundaries**

~~District designations on the Zoning Map notwithstanding, the parcel of land on the East side and within 436 feet of the centerline of Bass Lake Road between a point 750 feet North of the midpoint of the intersection of Bass Lake Road and Route 322 and extending Northerly to Woodiebrook Road is an **R-1** Residential District.~~

~~401.21~~ **Permitted Principal Uses and Structures**

~~401.32~~ **Permitted Accessory Uses and Structures**

- ~~a. Accessory structures necessary for domestic activities and storage, which does not include any business activity~~

~~401.43~~ **Minimum Dimensional Requirements**

~~401.54~~ **Agricultural Use Exception**

~~401.65~~ **Parking**

~~401.76~~ **Driveway**

~~402.2~~ **Permitted Accessory Uses and Structures**

- ~~a. Accessory structures necessary for domestic activities and storage, which does not include any business activity~~

~~403.2~~ **Permitted Accessory Uses and Structures**

- ~~a. Accessory structures necessary for domestic activities and storage, which does not include any business activity~~

404.2 **Permitted Accessory Uses and Structures**

- a. Accessory structures necessary for domestic activities and storage, ~~which does not include any business activity~~

405.3 **Permitted Accessory Uses, Buildings and Structures: Conditional Use Zoning Certificate Approval Per Section 806 Not Required**

- a. Accessory structures necessary for domestic activities and storage, ~~which does not include any business activity~~

407.2 **Permitted Uses and Structures**

The following uses and structures ~~and no other~~ shall be permitted in a Commercial District. Where the Zoning Map designates a Flood **Prone District Plain (FP)** area within a Commercial District, a building or structure intended for commercial use which requires or is intended to be serviced by an on-site sewage disposal system shall not be permitted. Otherwise, the permitted uses in a Commercial District follow:

408.1 **District Boundaries**

District designations on the Zoning Map notwithstanding, the parcel of land lying north of Route 322 between Bass lake Road and Route 44 and extending to the northern boundary of the Geauga County Park District as of the date of this Resolution, and the parcel of land lying east of Route 44 to the Munson-Claridon line and north of Route 322 to the Munson-Chardon **City Village** line, but excluding from such parcels the Commercial District described in 407.1, and the Residential District described in Section 401.1, is an Industrial District. Where the Zoning Map designates a Flood **Prone District (FP)** area within an Industrial District, a building or structure intended for Industrial use which requires or is intended to be serviced by an on-site sewage disposal system shall not be permitted.

SECTION 509 ACCESSORY STRUCTURES

All accessory structures shall be in conformity with the following provisions:

- 509.2 **Unless otherwise noted herein**, no freestanding garage or other accessory structure shall be erected within the front yard of any district, except for fencing, ~~and a student bus stop shelter~~

509.6 **Permitted Buildings, Structures, and Uses in Required Yards**

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this Resolution without a Zoning Certificate, unless otherwise indicated and shall not be used for habitational purposes.

- a. Flagpoles
- b. Mailboxes
- c. Student bus stop shelters.
- d. Playhouses.
- e. Children's tree houses.
- f. Swing sets and other related recreational equipment.

SECTION 516 STORAGE OF CONSTRUCTION EQUIPMENT AND OTHER LARGE VEHICLES

516.2 **Other Vehicles**

- a. Outdoor storage or parking of **no more than one (1) boat and one (1) recreational vehicles** shall be permitted within any Residential District. ~~however, more than one (1) boat and one (1) recreational vehicle shall be prohibited. Any Ssuch boat or recreational~~

vehicle(s) shall not be ~~a) located partially or wholly in front of the principal building on any lot, b) used for habitational purposes, shall have a current license or registration, shall not be parked or stored in front of the principal building on any lot, and shall not be located closer than twenty (20) feet from any side or rear lot line, and c) located closer than sixty (60) feet from any side yard of a corner lot. Any additional boats or recreational vehicles shall be parked or stored in a fully enclosed building. Any boat or recreational vehicle shall not be used for habitational purposes.~~

SECTION 608 ~~**INOPERABLE OR JUNK VEHICLES**~~

Outdoor storage or parking of ~~inoperable or~~ junk vehicles is prohibited.

SECTION 806 ~~**FLOOD PRONE DISTRICT PRINCIPAL BUILDINGS**~~

806.1 No principal building will be built ~~on the flood-prone portion of a lot located~~ in a Flood Prone District unless prior conditional use approval is obtained from the Board of Zoning Appeals.

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

901.1 ~~**Permitted Uses**~~

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

- a. A wireless telecommunications antenna may be permitted on a lawfully existing telecommunications tower, with the necessary equipment shelter, as a collocation on said existing tower.
- b. A wireless telecommunications tower and appurtenant facilities may be permitted within a recorded electric high tension power line easement. A tower located within said easement shall not be subject to the regulations set forth in this Section 901.1(p), (w), and (y5).
- c. ~~A Pursuant to O.R.C. 519.211, wireless telecommunications towers and appurtenant facilities may be permitted in the Commercial, Industrial, Institutional and Medical zoning district(s) are not subject to township zoning. However, subject to the most current provisions of O.R.C. 519.211 (B)(2) the regulations included in this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication tower and appurtenant facilities, in any Residential District.~~
- d. 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 Geauga County.
- e. 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 Geauga County.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
- j. 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).
- k. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- l. 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.
- m. 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.
- n. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- o. 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.
- p. 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 this section then with the Zoning Certificate application, the applicant shall list the location of every tower or structure and all the areas set forth in this section 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 reasonable available on a lawfully existing tower or structure or a technically suitable location is not available in any area set forth in this section. If another tower or structure or area set forth in this section 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 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 this section under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within thirty (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.
- q. 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.
- r. 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.
- s. A wireless telecommunications tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for additional users as set forth herein. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- t. 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.
- u. The minimum distance between wireless telecommunications towers and facilities shall be one thousand twelve hundred and fifty (1,250) feet.
- v. 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 Zoning Certificate for the site shall be revoked. 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 Zoning Inspector shall require a cash or surety bond of not less than \$100.00 per vertical foot from natural grade as part of a Zoning Certificate to ensure such regulations, including but not limited to the removal of the tower, are met.

- w. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
- x. 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.
- y. 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 four hundred (400) square feet. The maximum height of an equipment shelter shall be twelve (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.

~~z. However, subject to the most current provisions of R.C. 519.211 (B)(2) the regulations included in this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication tower and appurtenant facilities.~~

~~901.2~~ **Prohibited Areas**

~~Except as noted in Sections 901.1 and 901.2, wireless telecommunications towers and facilities are prohibited in Residential Districts and no Zoning Certificate shall be issued therefor.~~

901.32 **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.

901.43 **Public Utility Exemption**

- a. This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to the most current provisions of O.R.C. 519.211 (B)(4)(a), the regulations included in this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.
- b. In the event a wireless telecommunications tower and appurtenant facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations set forth herein do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the township. The proponent of such a tower facility must file a written application with the Zoning Inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:
 1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
 3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
 4. Whether the applicant conducts its operation in such a manner as to be a matter of public concern;
 5. Whether the good or service is vital;
 6. Whether there is a lack of competition in the local marketplace for the good or service;
 7. Whether there is 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 below as follows:
 1. All requirements of Section 901.54 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.
- e. Any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned

unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. As used in this section "residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

901.54

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 appurtenant facilities from all lot lines, buildings, structures, and public road right-of-ways within five hundred (500) feet of the proposed facility. Aerial photos may augment the plot plan. A copy of the structural design prints from the manufacturer shall be provided for a wireless telecommunications tower, antenna(s), and equipment shelter.
- c. The height of the telecommunications tower and all appurtenant facilities above grade shall be provided and all potential mounting positions and locations of antennas shall be shown in order to evaluate collocation opportunities.
- 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.

SECTION 1001

SIGNS - INTENT AND PURPOSE

Sign regulations, including provisions to control the size, location, illumination, and maintenance of signs, are hereby established in order to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Article is to achieve, among others, the following purposes:

- a. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
- b. To promote and maintain visually attractive, Residential, ~~retail~~, Commercial, ~~historic open~~ Institutional, Medical Use, ~~space~~ and Industrial districts.
- c. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents and maintain a safe and orderly pedestrian and vehicular environment.
- d. To promote property values.
- e. To promote the public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
- f. To protect and preserve the aesthetic quality and physical appearance of the Township.

The Township seeks to protect the rights of free speech and not infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, § 11 of the Ohio Constitution. All provisions in this Article are to be constructed, whenever possible, in favor

of vigorous political debate and accommodations of the rights of residents and visitors to speak freely.

1202.4.2

Granting of "Area" or "Size" Variances

Variance for area, size and setback requirements are judged by a less stringent legal standard than for "use" variances. Significant practical difficulty in meeting zoning regulations is required to be shown by a property owner. The factors to be considered and weighed to determine whether a property owner has encountered practical difficulties are:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- b. Whether the variance is substantial;
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- d. Whether the property owner purchased the property with knowledge of the zoning requirements;
- e. Whether the variance would adversely affect the delivery of governmental and community services (e.g. fire safety, all other safety aspects, road maintenance, water supply, sewage treatment, and garbage service);
- f. Whether the property owner's predicament feasibly can be ~~obviated~~ relieved through some method other than a variance; and
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.