

Munson Township
Zoning Commission Meeting
Minutes of April 3, 2017

Chair Kurtis Taylor called the meeting to order at 6:03 pm, with Sandy Schultz and Lenore Pikus present. Also present was Secretary, Kristen Bluemmel and Assistant Secretary, Julie Johnston. Lenore Pikus, Adriano Fiucci, and James Herringshaw were absent.

The Pledge of Allegiance was said.

Kurtis Taylor moved and Lenore Pikus seconded to approve the minutes of March 7, 2017 as written, motion carried.

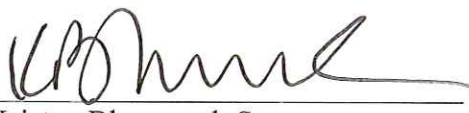
Sandy Schultz made a motion and Kurtis Taylor seconded to present Exhibit A to the Geauga County Planning Commission and the Geauga County Prosecutor's Office for a preliminary review, as written and to include any additional comments made by Zoning Commission members prior to submission, motion carried unanimously. (attached)

The next scheduled meeting is Tuesday, May 2, 2017 at 7:00pm.

Lenore Pikus made a motion and Sandy Schultz seconded to adjourn the meeting at 6:51 pm.

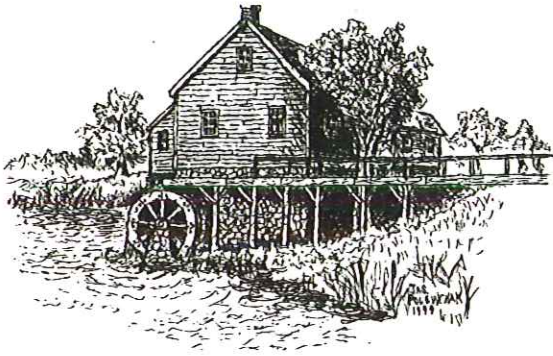


Kurtis Taylor, Chair



Kristen Bluemmel, Secretary

Attachment



MUNSON TOWNSHIP ZONING

12210 Auburn Road
Chardon OH 44024-9454
(440) 286-9255 FAX (440) 286-1180

April 21, 2017

Mr. David Dietrich
Geauga County Planning Commission
470 Center St., Bldg. 1C
Chardon, OH 44024

Dear Dave:

At their meeting on April 3, 2017, the Zoning Commission completed draft language for amendments to the Zoning Resolution.

We would appreciate it if you could give the draft an informal review before we proceed with the amendment process.

Sincerely,

Kristy Bluemmel
Zoning Secretary

EXHIBIT A

SECTION 102

PURPOSE OF ZONING RESOLUTION

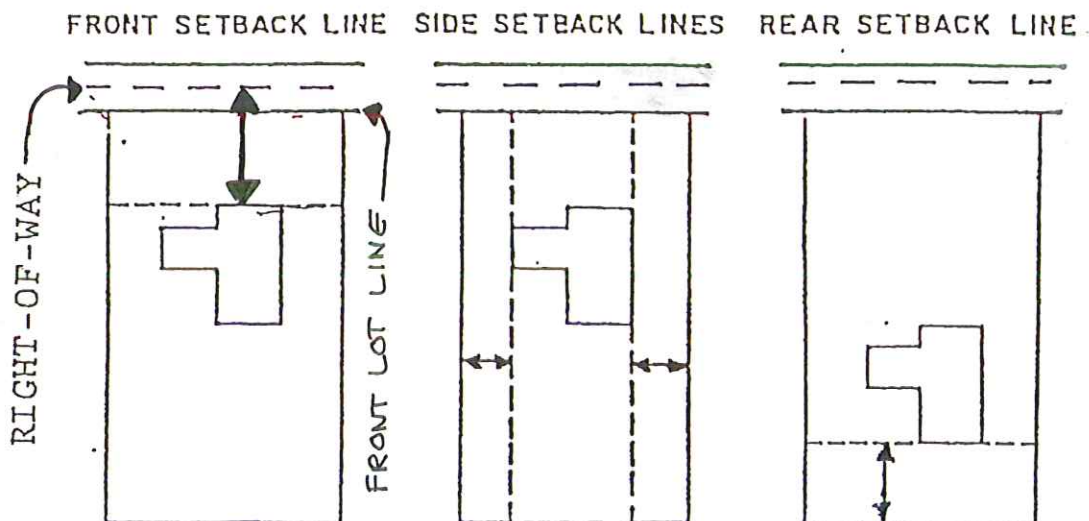
Except as otherwise provided in this section, the Board of Township Trustees has enacted this Resolution in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, and the Board may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories, and the size of Buildings and other Structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other Open Spaces, the density of population, the uses of Buildings and other Structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township; and for all of these purposes, the board may divide all or any part of the unincorporated territory of the Township into Districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of Building or other Structure or use throughout any District or zone, but the regulations in one District or zone may differ from those in other Districts or zones.

For any activities permitted and regulated under Chapter 1509, 1513, or 1514 of the Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this Section only in the interest of public health, safety or general welfare, **and in accordance with the Munson Township Land Use Plan**. Additional purposes of this Resolution are:

SECTION 202

DEFINITIONS

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.)



Storage Containers – An enclosed portable storage unit or container used to move and/or store belongings.

SECTION 401 *R-1 RESIDENTIAL DISTRICT*

401.7 *Driveway*

As regulated in Section 511.

SECTION 402 *R-2 RESIDENTIAL DISTRICT*

402.6 *Driveway*

As regulated in Section 511.

SECTION 403 *R-3 RESIDENTIAL DISTRICT*

403.6 *Driveway*

As regulated in Section 511.

SECTION 404 *R-4 RESIDENTIAL DISTRICT*

404.6 *Driveway*

As regulated in Section 511.

SECTION 405 *FLOOD-PRONE DISTRICT (FP)*

405.7 *Driveway (Residential)*

As regulated in Section 511.

405.8 *Driveway (Commercial, Industrial, Institutional, Medical)*

As regulated in Section 521.

SECTION 406 *INSTITUTIONAL DISTRICT (IN)*

406.4 *General Requirements*

The following development standards are established to control the planning, development and use of land in an Institutional District.

- a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:
 1. buildings,
 2. impervious surfaces, such as parking, driveways and service areas, and
 3. site improvements and amenities, excluding storm water management facilities shall not exceed forty percent (40%) of the total site area of the Institutional District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

- b. **Open Space** – At least sixty percent (60%) of the acreage of each Institutional District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.
- c. **Building Location and Configuration** – Buildings and Structures may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwelling units in order to provide privacy and to form a unified composition of buildings and space, provided that all Buildings are located in the development in compliance with the following:
1. No Building, Structure or parking area shall be located closer than two hundred (200) feet from the ~~centerline~~ **right of way** of the road on which it fronts. **The front is the part of the structure that is nearest to the origin of the measurement.**
 2. No Building, Structure or parking area shall be located closer than two hundred (200) feet from any other lot line.
 3. No Building or Structure shall be located closer than thirty-six (36) feet from the ~~centerline~~ **right of way** or twenty-five (25) feet to the edge of pavement of any Private Road constructed as part of the Institutional District whichever is the greater.
 4. The minimum distance between Buildings which contain less than three (3) Dwelling or Living Units shall be twenty (20) feet.
 5. The minimum distance between Buildings where one or more of the buildings is either a non-residential building or contains three (3) or more Dwelling or Living Units shall be forty (40) feet.
 6. No Building shall have an exterior wall in excess of two hundred fifty (250) feet in length without a change in the building's direction, or an exterior wall in excess of one hundred forty (140) feet without a change in contour.

406.6 Parking

As regulated in Section 521.

406.7 Driveway

As regulated in Section 521.

SECTION 407 COMMERCIAL DISTRICT (C)

407.7 Driveway

As regulated in Section 521.

SECTION 408 INDUSTRIAL DISTRICT (I)

408.7 Driveway

As regulated in Section 521.

SECTION 409 MEDICAL USE DISTRICT (MU)

409.6 Driveway

As regulated in Section 521.

SECTION 511 DRIVEWAYS

Driveways shall be a minimum of fifteen (15) feet from any lot line, have a minimum width of twelve (12) feet, and a minimum apron width of twenty (20) feet at the road pavement, **and as regulated in Section 521 for Commercial, Industrial, Institutional, Medical.**

SECTION 514 PRIVATE SWIMMING POOLS

514.3 Inground swimming pools shall be walled or fenced prior to use ~~in order to prevent uncontrolled access by children from any road or adjacent property.~~ Any such wall or fence shall:

SECTION 519 TEMPORARY USES

519.4 Storage containers are permitted in any district. A 30 day permit shall be obtained from the Zoning Inspector prior to the delivery of the storage container. Additional 30 day extensions may be granted past the original 30 days by the Zoning Inspector upon showing good cause. A fee will be assessed by the Zoning Inspector for each 30 day extension, not to exceed a total of 90 days.

SECTION 804 SOLID MINERAL EXTRACTION OPERATIONS

804.15 The reclamation plan for the extracted area shall contain all the information required by Ohio Revised Code 1514.02 (A) ~~(9)~~ **(8)**, and in addition shall contain the following information:

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.

- f. To encourage **Only free-standing**, monopole **or lattice** wireless tower construction where feasible **is permitted**.
- 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.

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, **and pursuant to the procedure set forth in Article 9 of this resolution and the following conditions as well as the regulations specified in Section 901.**

- 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 Section 901.2(M), (T), and (V5).
- c. A wireless telecommunications tower and appurtenant facilities may be permitted in the Commercial, Industrial, Institutional and Medical use district(s).

901.2 **Conditional Uses**

~~A wireless telecommunications tower and appurtenant facilities may be located, relocated, erected, constructed, reconstructed, altered, removed or enlarged in all districts except residential as a conditional use, subject to the approval of the board of zoning appeals, pursuant to the procedure set forth in Article 9 of this resolution and the following conditions as well as the regulations specified in Section 901.~~

- ~~a~~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.
- ~~b~~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.
- ~~c~~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.
- ~~d~~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.

- eh. 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.
- fi. 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.
- gj. 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).
- hk. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.
- il. 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.
- jm. 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.
- kn. The applicant shall submit a plan documenting how the wireless telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.
- lo. 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.
- mp. 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 reasonable 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 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 901.2 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.
- mq. 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.
- or. 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.
- ps. 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.
- qt. 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.
 - ru. The minimum distance between wireless telecommunications towers and facilities shall be one thousand twelve hundred and fifty (1,250) feet.
 - sv. 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.
 - tw. A wireless telecommunications tower shall not be located between the principal building or structure on a lot and a public road right-of-way.
 - ux. 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.
 - vy. 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 R.C. 519.211 (B)(2) or as revised thereafter, the provisions of 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.

901.5

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 R.C. 519.211 (B)(4)(a) **or as revised thereafter**, the provisions of 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.

901.5

Public Utility Exemption

- 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~~ **below** as follows:

1003.3

Location

No sign shall be located closer than five (5) feet from a road right-of-way **front lot** line and/or within twenty-five (25) feet of a lot line.

1301 Munson Township Land Use Plan

The Munson Township Land Use Plan takes into account changes and prepares Munson Township for the short- and long-term future. The Munson Township Land Use Plan is a public document.

Zoning Districts	Permitted Principal Uses	Minimum Lot Size	Minimum Frontage at Rd. Right-of-Way	Minimum Setback from Rd. Right-of-Way	Minimum Side Yard	**Minimum Side Yard Corner Lot	Minimum Rear Yard	Maximum Lot Coverage
R-1	Single Fam. Dwelling Article 4	2.5 acres	200 ft; 75 ft. on cul-de-sac	80 ft.	25 ft.	60 ft.	40 ft.	---
R-2	Single Fam. Dwelling Article 4	5.0 acres	250 ft; 75 ft. on cul-de-sac	80 ft.	25 ft.	60 ft.	40 ft.	---
R-3	Single Fam. Dwelling Article 4	5.0 acres	250 ft; 75 ft. on cul-de-sac	80 ft.	25 ft.	60 ft.	40 ft.	---
R-4, FP	Single Fam. Dwelling Article 4	5.0 acres	250 ft; 75 ft. on cul-de-sac	80 ft.	25 ft.	60 ft.	40 ft.	---
Institutional (IN)	See Article 4	100 acres	See Article 4	80 ft. 200 ft.	100 ft. 200 ft.	100 ft. 200 ft.	100 ft. 200 ft.	40%
Commercial (C)	See Article 4	2.5 acres	200 ft.	80 ft.	20 ft.; adj. to Res. 100 ft.	80 ft.	50 ft.; adj. to Res. 100 ft.	50%
Industrial (I)	See Article 4	5.0 acres	250 ft.	80 ft.	50 ft.; adj. to Res. 100 ft.	80 ft.	100 ft.	50%
Medical Use (MU)	See Article 4	2.5 acres	200 ft.	80 ft.	50 ft.; adj. to Res. 100 ft.	80 ft.	50 ft.; adj. to Res. 250 ft.	50%