

GEAUGA COUNTY PLANNING COMMISSION
RESCHEDULED REGULAR MEETING MINUTES
NOVEMBER 25, 2014

Chairman Margaret Muehling called the November 25, 2014 rescheduled regular meeting of the Geauga County Planning Commission to order at 7:00 p.m. at 470 Center Street, building 1-C, City of Chardon. The November 13, 2014 meeting was cancelled due to inclement weather conditions. Following the pledge of allegiance, the roll was called by Karen Baptie, Planning Technician, and the following members were present. A quorum was obtained.

Roll Call

Members Present: Margaret Muehling, Marge Hrabak, David Short, Jeffrey Huntsberger, James Schafer, Christine Peace, Mary Samide, and Charles Lausin.

Members Absent: Tracy Engle, Ralph Spidalieri, and Blake Rear.

Staff Present: David C. Dietrich (Planning Director) and Karen Baptie (Planning Technician).

Others Present: None.

Approval of Minutes

Mr. Schafer made a motion to approve the minutes for the October 14, 2014 regular meeting of the County Planning Commission. Mrs. Peace seconded the motion, and upon a call for the vote, the motion carried unanimously.

Financial Report and Approval of Expenses

Mrs. Baptie provided the financial report as of November 25, 2014 and the summary of expenses.

Mrs. Samide made a motion to approve the November 25, 2014 financial report and the summary of expenses attached hereto marked Exhibit "A" totaling \$1,705.43. Mr. Huntsberger seconded the motion, and upon a call for the vote, the motion carried unanimously.

Director's Report and Staff Activities

Mr. Dietrich presented information on staff activities with various townships.

- Bainbridge Township: Background research on applicable court cases and other material in relationship to land use plan, nonconformities, and groundwater protection in relationship to defensibility of development density.
- Chardon Township: Informal review of proposed zoning amendment on home occupations.

- Hambden Township: Assistance with proposed commercial site plan.
- Russell Township: Prepared proposed amended zoning map.
- Thompson Township: Updated zoning map.
- Troy Township: Informal review and reformatting of proposed zoning amendment.

Other Business

There was none.

Major Subdivisions to be Reviewed

- A. Canyon Lake Colony Subdivision No. 13-B
Final Plat
Bainbridge Township

Mr. Dietrich presented the following staff review.

Prepared For: Canyon Lakes Colony Company (Hugh Edwards)

Surveyor: Schwartz Land Surveying, Inc. (Rudy Schwartz)

Location: Canyon Lake Colony Subdivision is generally located west of Chagrin Road and south of Country Lane. Phase 13-B is located south of Chagrin Road and west of Northview Drive.

History: The amended preliminary plat for Canyon Lake Colony Subdivision was approved in 1999.

Subdivision Tabulation:

- Total Area: 7.0478 acres
- Area in Sublots: 6.0048 acres
- Open Space Block “E:” 0.2514 acre
- Open Space Block “F:” 0.2030 acre
- Area in Road Right-of-Way: 0.5886 acre

Sublots:

- Number: 6
- Size: 0.7332 – 1.4583 acres

New Roads:

- Number: 1
- Name: Quarry Circle
- Length: 226.59 lineal feet

Township Zoning:

- The zoning criteria for the subdivision have been set forth in the agreed judgment entry signed by the developer and Bainbridge Township case no. 97M000585 dated July 9, 1999.
- Minimum Setbacks:
 - Front: 50'
 - Side: 15'
 - Rear: 50'
- Minimum Lot Area:
 - 20,000 square feet
- Minimum Lot Width:
 - 200' at building line

Utilities:

- Underground telephone, cable TV, electric and natural gas (within 12' utility easement) grant to Windstream Communications, Time Warner Cable, Cleveland Electric Illuminating Company, and Dominion East Ohio.
- Sanitary sewer and central water line (easement granted to Geauga County).

REVIEW

County Engineer:

- The Board of County Commissioners approved and executed the construction drawings during session on December 30, 2008.

Gauga Soil and Water Conservation District:

- Water Management and Sediment Control Plan approved on December 23, 2008 (email dated October 27, 2014 by Carmella Shale).

County Tax Map Department:

- Plat is approved (email dated November 3, 2014 by Michael Bender).

County Water Resources Department:

- The Board of County Commissioners approved and executed the construction plans for the water and sanitary sewer lines during session on December 30, 2008.

Bainbridge Township Zoning Inspector:

- The plat complies with applicable zoning per the agreed judgment entry (case no. 97M000585 dated July 9, 1999) signed by Karen Endres, Zoning Inspector, on November 5, 2014.

Planning Commission:

- The Board of County Commissioners approved an amended judgment entry with regard to Canyon Lake Colony Subdivision in 1999. An amended preliminary plat for the balance of the development was included with the revised entry as well. According to the entry, the County Subdivision Regulations in effect in 1977 are to be applied.

- The final plat is in compliance with the applicable 1977 County Subdivision Regulations.
- The storm sewer easement shown on the plat is being granted to, and has been accepted by, the Canyon Lakes Colony Master Association, Inc.
- The master declaration of covenants and restrictions is recorded (volume 881, page 1131 of the Geauga County Deed Records).
- The declaration of restrictions for 13-B has been recorded (volume 1980, page 2557 of the Geauga County Deed Records).

RECOMMENDATION

- Approve the final plat of Canyon Lake Colony Subdivision No. 13-B.

Mrs. Samide made a motion to adopt the staff recommendation for the final plat of Canyon Lake Colony Subdivision No. 13-B. Mr. Short seconded the motion, and upon a call for the vote, the motion carried unanimously.

Township Zoning Amendments to be Reviewed

A. Chester Township: Z-2014-2
Initiated October 22, 2014

Mr. Dietrich presented the following staff review. Chairman Muehling and Mr. Short recused themselves from the proceedings, due to their membership on the Cheater Township Zoning Commission.

INITIATED BY: Chester Township Zoning Commission

PROPOSED AMENDMENT: To amend the text of the Chester Township Zoning Resolution Sections 5.02.03.A.6 and 9.01.0.L.

The proposed text follows: [Note: Deleted text is highlighted with ~~double-strikethrough~~ and new text is highlighted in **bold italics** and underlined]:

ARTICLE 5 DISTRICT REGULATIONS

5.02.0 COMMERCIAL DISTRICT (C DISTRICT).

5.02.03 AREA, YARD, AND HEIGHT REGULATIONS. The regulations set forth in the table in Section 5.02.16 shall apply as indicated for each use permitted in a C District unless otherwise specifically provided. Buildings shall be designed and constructed, and lots shall be used and improved for permitted uses only and in accordance with the following yard regulations:

A. REGULATIONS FOR LOTS ON U.S. 322, S.R. 306 AND MULBERRY RD.

6. YARDS ADJACENT TO RESIDENTIAL DISTRICTS. A side yard of not less than forty (40) feet shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, **or** parking area ~~or sign~~ shall be permitted in this side yard. A rear yard of not less than sixty (60) feet shall be required wherever a residential district abuts a commercial district.

ARTICLE 9 SIGN REGULATIONS

9.01.0 GENERAL REQUIREMENTS FOR ALL SIGNS. No sign shall be allowed within the Township, except as provided herein. All signs shall be posted on private property only with the permission of the owner or agent of such property. The following regulations shall apply to all signs in all zoning districts:

- L. Signs shall not project beyond any lot line. Signs or parts thereof shall not be less than ten (10) feet from any lot line or right-of-way. When a side lot line ***other than a residential lot line*** coincides with a residential district boundary line or a lot used for residential purposes, the minimum setback of any sign or part thereof shall be no less than thirty (30) feet.

REVIEW: The purpose of the amendment is to correct an unintended error and a conflict between sections of the Chester Township Zoning Resolution.

RECOMMENDATION: The County Planning Commission should recommend approval of proposed Chester Township Zoning Amendment Z-2014-2 as initiated on October 22, 2014 by the Zoning Commission.

Mr. Huntsberger made a motion to adopt the staff recommendation for proposed Chester Township Zoning Amendment Z-2014-2 initiated by the Zoning Commission on October 22, 2014. Mrs. Samide seconded the motion, and upon a call for the vote, the motion carried. Chairman Muehling and Mr. Short did not vote on this matter due to their membership on the Chester Township Zoning Commission.

- B. Troy Township: 2014-1
Initiated November 20, 2014

Mr. Dietrich presented the following staff review. He noted that the amendment initiated on October 30, 2014 by the Troy Township Zoning Commission had been withdrawn due to a procedural defect. The amendment was reinitiated on November 20, 2014 by the Zoning Commission.

INITIATED BY: Troy Township Zoning Commission

PROPOSED AMENDMENT: To amend the text of the zoning resolution: Article II, Definitions, Article XI, Enforcement, Article XII, Amendments, and Article XIII, Wireless Telecommunications Towers and Facilities (see Exhibit “B” for complete text).

REVIEW: The following is a summary of the proposed text modifications.

1. Article II, Definitions, Section 201.0, Words and Terms Defined:
 - a. Adult family home: deleted.
 - b. Garage, private: includes storage of vehicles and personal property.
 - c. Licensed residential facility: corrects ORC section number.
 - d. PPN: means a permanent parcel number assigned by the county auditor.
2. Article IV, District Regulations:
 - a. Section 402.1(H), Permitted Buildings, Structures, and Uses: “adult family homes” deleted and “licensed residential facilities” per the ORC listed.
 - b. Section 402.2.1(F), Accessory Buildings, Structures, and Uses: Maximum square footage of storage buildings increased from 2,500 to 3,500 square feet.
 - c. Sections 402.5, 402.11, 403.5, & 404.4, Minimum Lot Width: Lot “frontage” has been inserted for clarification.
 - d. Sections 402.6(B), 402.12(B), 403.6, and 404.5: Minimum Yard Setbacks: Deleted text related to accessory building location in front of principal building.
 - e. Section 402.18, Licensed Residential Facilities: Deleted “adult family home” and added “licensed residential facility” due to ORC changes.
 - f. Section 405.1, General requirements: Cited ORC Chapter 4781 relative to manufactured home parks and the Ohio Manufactured Homes Commission.
3. Article XI, Enforcement:
 - a. Section 1100.1: Permits the zoning inspector to request supplemental information as a part of a zoning permit application to ensure compliance. Changes “property” to “lot,” exterior lighting fixtures to be identified for commercial/industrial uses on site plan along with exterior storage and sales areas, location of draft hydrant to be provided for fire protection, a copy of the driveway permit issued for the lot, sewage treatment permit approval documentation, and SWCD approval on the stormwater/erosion control plan.
4. Article XII, Amendments:
 - a. Applicant to provide email address, changes “property” to “lot,” new text to be shown with highlight and text to be deleted with strike-thru, and applicant must give written evidence of owner’s permission to file application if he/she is a lessee of affected lot.
 - b. Provide a site plan of the affected lot included in the application.
5. Article XIII, Wireless Telecommunications Towers and Facilities:
 - a. Permits towers in B-1 and M-1 zones.
 - b. Maximum tower height is 200 feet.
 - c. If proposed tower is within 100 feet of a dwelling, notice by applicant to the owner of the dwelling (per ORC 519.211).

RECOMMENDATION: The County Planning Commission should recommend approval of proposed Troy Township Zoning Amendment Number 2014-1 initiated on November 20, 2014 by the Zoning Commission.

Mr. Huntsberger made a motion to adopt the staff recommendation for proposed Troy Township Zoning Amendment 2014-1 initiated on November 20, 2014 by the Zoning Commission. Mr. Lausin seconded the motion, and upon a call for the vote, the motion carried unanimously.

Correspondence

There was none.

Old Business

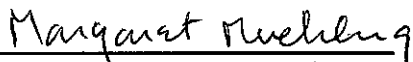
There was none.

New Business

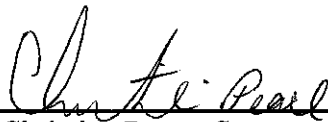
There was none.

Adjournment

Chairman Muehling declared the meeting adjourned at approximately 7:40 p.m.



Margaret Muehling, Chairman



Christine Peace, Secretary/Treasurer

SUMMARY RESOLUTION FOR EXPENSES
GEAUGA COUNTY PLANNING COMMISSION

Mrs. Samide MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,
WHICH MOTION WAS SECONDED BY Mr. Hartsberger.

WHEREAS, THE EXPENSES LISTED HEREIN HAVE BEEN INCURRED BY THE GEAUGA
COUNTY PLANNING COMMISSION IN ORDER FOR THE COMMISSION TO PERFORM ITS
DUTIES; AND

WHEREAS, THESE EXPENSES HAVE BEEN REVIEWED BY THE MEMBERS OF THE
COMMISSION AT ITS NOVEMBER 25, 2014 RESCHEDULED MEETING;

NOW THEREFORE, BE IT RESOLVED, THAT THE GEAUGA COUNTY PLANNING
COMMISSION HEREBY AUTHORIZES PAYMENT OF THE FOLLOWING BILLS OR CLAIMS:

<u>P.O.</u>	<u>ACCOUNT</u>	<u>DATE</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1010	OTHER	10/22	WELLS FARGO (COPIER LEASE PAYMENT-OCT.)	\$115.00
1010	OTHER	10/22	DAVID DIETRICH (MILEAGE)	164.24
1010	OTHER	11/06	TOSHIBA BUSINESS (COPIER MAINT.)	26.64
1010	OTHER	11/19	WELLS FARGO (COPIER LEASE PAYMENT-NOV.)	115.00
1524	OTHER	11/24	GEAUGA SWCD (SERVICES PER AGREEMENT)	1,060.80
1011	SUPPLIES	11/07	WESTERN RESERVE OFFICE (SUPPLIES)	223.75
TOTAL				\$1,705.43

Margaret Muehling
Margaret Muehling, Chairman

Christine Peace
Christine Peace, Secretary/Treasurer

TROY TOWNSHIP PROPOSED ZONING AMENDMENT: 2014-1
INITIATED NOVEMBER 20, 2014

PROPOSED TEXT MODIFICATIONS

The proposed text follows: [Note: Deleted text is highlighted with double-strikethrough and new text is highlighted in **bold italics** and **underlined**]:

ARTICLE II **DEFINITIONS**

Section 201.0 **Words and Terms Defined**

Words and terms used in this resolution shall be defined as follows:

~~“Adult Family Home” means a residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of those adults.~~

“Agricultural machinery” means ~~any~~ **any** equipment, or vehicles licensed for farm use, operated in conjunction with agriculture.

“Commercial tractor” means any motor vehicle designed or used for drawing other vehicles and not so constructed as to carry **and** load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, or both.

“Family” means one (1) or more persons related by blood, adoption, guardianship **or** marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

“Garage, private” means a detached accessory building or portion of a principal building **used for the storage of vehicles and personal property owned and/or operated by the occupants of the principal building or structure.** ~~for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises. A garage shall not be considered in determining minimum square footage of floor area.~~

“Licensed Residential Facility” see Ohio Revised Code 5123.19 (A) ~~(4)~~ **(5)(a)**.

“Lot, measurements” means a lot shall be measured as follows:

“Depth” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

“Width” means the shortest distance that occurs between the side lot lines measured anywhere **continuously** between the front lot line and the setback line.

“Lot of record” means a parcel of land shown as a separate unit on the last preceding tax roll of the county, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

“Personal wireless service facility” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange ~~services~~ access services as defined by 47 U.S.C. 332 (c) (7).

“PPN” means the permanent parcel number as assigned to a lot by the county auditor.

“Public service facility” means the erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structure by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

“School” means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio **Department of Education** which offers state approved courses of instruction.

“Story” means that portion of a building included between the surface of ~~any~~ **any** floor and the surface of the floor next above it, or if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half of its height is located above the finished grade level of the adjacent ground.

“Technically suitable” means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band **width** of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

“Telecommunications” means technology permitting the passage of information from the sender to one or more receivers in a suitable form by means of an electromagnetic system and includes the term “personal wireless services.”

“Tower” means a structure that is mounted in the ground or affixed to a building **or** other structure that is used for transmitting or receiving television, radio, telephone or other communications.

“Trailer” means every vehicle designed or used for carrying personal or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a § “semi-trailer” and a vehicle of dolly type, such as that commonly known as a “trailer dolly,” and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour.

“Zoning map” means the official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

ARTICLE IV DISTRICT REGULATIONS

Section 402.0 Residential Districts

Section 402.1 Permitted Principal Buildings, Structures and Uses

- A. Cemeteries
- B. Churches
- C. Governmental Offices
- D. Police and fire stations
- E. Public parks owned or leased by a political subdivision or the State of Ohio.
- F. Schools
- G. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 402.17. There shall be no more than one, single family detached dwelling on a lot.
- H. ~~Adult family homes and licensed family homes~~ **residential facilities** subject to the regulations set forth in Section 402.18

Section 402.2 Accessory Buildings, Structures & Uses

Section 402.2.1 Permitted Accessory Buildings, Structures, and uses in Residential Districts (which are on the same lot with and incidental or subordinate to the principal permitted building or use). A Zoning Permit is Required.

Must meet all minimum yard requirements unless otherwise indicated.

- C. Private garages designed and used for the storage of ~~motor~~ vehicles **and personal property** owned and/or operated by the occupants of the principal building or structure.
- F. Storage buildings (over 80 ~~sq. ft.~~ **square feet**) designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure not to exceed ~~500~~ **700** ~~Square Feet~~ **feet** per acre to a maximum of ~~2500~~ **3,500** square feet.

Section 402.2.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building or use) in the Residential Districts; No Zoning Permit is required unless otherwise indicated herein.

Buildings, structures and uses denoted with * must meet all minimum setback requirements. All buildings, structures, and uses must meet all other zoning regulations, unless otherwise indicated, except minimum setback requirements.

*A. Awnings or canopies over windows and doors.

Section 402.3.0 Conditional Buildings, Structures and Uses in Residential Districts

Conditional buildings, structures, and uses may be allowed in accordance with Article V and the following conditions:

A. Home Occupations

2. Conditions for Home Occupations:

- c. An Accessory Building for a Home Occupation shall not exceed the lesser of the square footage of the principal dwelling unit or **not to exceed 700 square feet per acre to a maximum of 3,500 square feet** ~~2,500 square feet in a R-3 district or 3,500 square feet in a R-5 district~~ and must conform to all regulations of the zoning district in which it is located, including lot coverage restrictions.

Section 402.4 Minimum Lot Area R-3 Residential District

The minimum lot area shall be three (3) acres.

Section 402.5 Minimum Lot Frontage and Width R-3 Residential District

- A. The minimum lot **frontage and** width shall be two hundred and fifty (250) feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot ~~width~~ **frontage** shall be sixty (60) feet at the front lot line and two hundred and fifty (250) feet **of width** at the building front setback line.

Section 402.6 Minimum Yard Setbacks R-3 Residential District

- B. The minimum yard setbacks for all accessory buildings, structures, and uses except as otherwise provided in Section 402.2.2 shall be as follows:

1. Front yard setback: 75 feet*

~~* All accessory buildings except those listed in section 402.2.2 must be located no closer to the road right of way than the front line of the principal building.~~

Section 402.11 Minimum Lot Frontage and Width R-5 Residential District

- A. The minimum lot frontage and width shall be 350 feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot ~~width~~ frontage shall be 60 feet at the front lot line and 350 feet of width at the building front setback line.

Section 402.12 Minimum Yard Setbacks R-5 Residential District

- B. The minimum yard setbacks for all accessory buildings, structures, and uses except as otherwise provided in Section 402.2.2 shall be as follows:
 - 1. Front yard setback: 100 feet^{*}
 - 3. Rear yard setback: 40 feet ~~*All accessory buildings except those listed in Section 402.2.2 must be located no closer to the road right-of-way than the front line of the principal building.~~

Section 402.18 ~~Adult Family Homes [R.C.3722.01 (A)(7)] and~~ Licensed Residential Facilities

[R.C. 5123.19 (A) ~~(4)~~ (5)(a)] in Residential Districts

- A. Requirements for ~~an adult family home as defined in R.C. 3722.01 or a family home~~ licensed residential facility as defined in R.C. 5123.19 (A) ~~(4)~~ (5)(a) and which is operated pursuant to R.C. 5123.19(O) shall include the following:
 - 1. The area, height, and yard setback requirements for the residential district in which it is located shall be met.
 - 2. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided to the zoning inspector.
 - 3. ~~In order to limit excessive concentration, no adult family home or licensed family home shall be located within a one mile radius of another such home.~~ There shall be no more than one ~~adult family home~~ detached licensed residential facility on a lot.

Section 403.5 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be 250 feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround the minimum lot ~~width~~ frontage shall be 60 feet at the front lot line and 250 feet of width at the building front setback line.

Section 403.6 Minimum Yard Setbacks

B. The minimum yard setbacks for all accessory buildings, structures and uses, except as otherwise provided in Section 402.2.2, shall be as follows:

1. Front yard setback: 75 feet*

~~*All accessory buildings must be located no closer to the road than the front line of the principal structure.~~

Section 404.2.2 Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with and incidental or subordinate to the principal permitted building or use); No Zoning Permit is required.

Buildings, structures and uses denoted with * must meet all minimum setback requirements. All buildings, structures, and uses must meet all other zoning regulations, unless otherwise indicated, except minimum setback requirements.

*A. Awnings or canopies over windows and doors.

Section 404.4 Minimum Lot Frontage and Width

- A. The minimum lot frontage and width shall be 350 feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot width frontage shall be 60 feet at the front lot line and 350 feet of width at the building front setback line.

Section 404.5 Minimum Yard Setbacks

See also 404.12 and 404.13

B. The minimum yard setbacks for all accessory buildings, structures and uses shall be as follows:

1. Front yard setback: 100 feet*

~~*All accessory buildings must be located no closer to the road than the front line of the principal structure.~~

Section 405.0 Manufactured Home Park District (MHP)

Section 405.1 General Requirements

- A. All of the regulations enacted by any agency of the State of Ohio pursuant to ~~sections 3733.01 through 3733.08 inclusive~~ Chapter 4781 of the Ohio Revised Code are hereby made a part of this resolution.

Section 405.18 Recreation Area

- A. There shall be an adequate site for recreation within a manufactured home park for the exclusive use of park occupants in accordance with the Ohio Administrative Code ~~Section 3701-27-26~~.

ARTICLE XI ENFORCEMENT

Section 1100.1 Contents of Application for a Zoning Certificate

Written application for a zoning certificate shall be made on forms provided by the township zoning inspector and shall be signed and dated by the owner, the applicant, or his/her authorized representative attesting to the truth and accuracy of all information supplied in the application.

All completed applications for a zoning certificate shall be submitted to the township zoning inspector and shall include, **if applicable** ~~at a minimum~~, the following information: **The township zoning inspector may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution.**

- A. The name, address, ~~and~~ telephone number, **fax number and email address** of the applicant.
- B. The name, address, ~~and~~ telephone number, **fax number and email address** of the owner of record.
- C. The address, of the ~~property~~ **lot**, if different from the applicant's current address **and ppn**.
- E. A legal description of the ~~property~~ **lot**, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the ~~property~~ **lot** is located.
- G. A description of the existing use of the ~~property~~ **lot**.
- H. A description of the proposed use of the ~~property~~ **lot**.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
1. The dimensions (in feet) of all ~~property~~ **lot** lines and the total acreage of the property.
 2. The dimensions **and elevations** (in feet) of existing buildings or structures on the ~~property~~ **lot**, if any.
 3. The setback (in feet) from all ~~property~~ **lot** lines of existing buildings or structures on the ~~property~~ **lot** if any.

4. The dimensions **and elevations** (in feet) of proposed buildings or structures on the ~~property~~ **lot** or of any addition or structural alteration to existing buildings or structures.
5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the ~~property~~ **lot** or of any addition or structural alteration to existing buildings or structures.
6. The setback (in feet) from all ~~property~~ **lot** lines of proposed buildings or structures **and uses** on the ~~property~~ **lot** or of any addition or structural alteration to existing buildings or structures.
7. The height (in feet) of existing buildings or structures on the ~~property~~ **lot**.
8. The height (in feet) of proposed buildings or structures on the ~~property~~ **lot** or of any addition or structural alteration to existing buildings or structures.
9. The name and location of the existing road(s), public and private, adjacent to the ~~property~~ **lot**.
10. The number of dwelling units existing (if any) and proposed for the ~~property~~ **lot**.
13. The location and dimensions (in feet) of any existing or proposed easements on the ~~property~~ **lot**.

14. The location and description of any existing and proposed landscaping and buffer areas on the lot.

15. For commercial and industrial uses: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures.

16. For commercial and industrial uses: the location and dimensions of any exterior display, sales, or storage areas on the lot.

17. The location and dimensions of a fire protection pond and dry hydrant, if applicable.

J. Provide the type and design of any sign(s).

1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
 - c. The location of the sign on the building, structure, or ~~property~~ **lot** including dimensions (in feet) from the front and side lot lines.
 - f. The ~~content of the sign~~ **dimensions of the lettering and/or elements of the matter displayed (e.g. logo).**

K. ~~The application fee~~ Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable.

L. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.

M. Provide a copy of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan. The “water management and sediment control” regulations set forth in Article XVI may apply and may be required as a part of the application.

N. The application fee.

Section 1100.2 Action by Township Zoning Inspector on Application for Zoning Certificate

In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the township zoning inspector. The zoning regulation(s) violated shall be cited, as well as the applicant’s right to appeal to the township board of zoning appeals in accordance with article ~~X~~ IX of this resolution.

One (1) copy of the plans submitted with the application shall be returned to the applicant by the township zoning inspector, after the zoning inspector has marked said copy either approved or disapproved and attested to the same by his/her signature and date on said copy. One (1) copy of the plans so marked shall be retained by the zoning inspector for his/her permanent records.

Section 1100.3 Submission to Director of Ohio Department of Transportation

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he/she has purchased or has initiated proceedings to appropriate the land which is the subject of the application, then the zoning inspector shall refuse to issue the zoning certificate. If the director notifies the zoning inspector that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

Section 1100.4 Revocation of Zoning Certificate

A zoning certificate shall be revoked by the zoning inspector if:

C. 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.

When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the

zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with article ~~IX~~ **IX** of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued.

Section 1103.0 Action to Prevent Violations of Zoning Regulations

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is **used** or is proposed to be used in violation of sections 519.01 to 519.99 inclusive of the **Ohio** Revised Code or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

ARTICLE XII AMENDMENTS

Section 1201.0 Contents of Application for a Zoning Amendment

Such application shall include the following information, **if applicable**:

- A. The name, address, ~~and~~ telephone number, **fax number and email address** of the applicant.
- B. The address of the ~~property~~ **lot**, if different from the applicant's current address **and ppn**.
- C. Describe the present use of the ~~property~~ **lot**.
- D. Describe the present zoning classification of the ~~property~~ **lot**.
- E. The text of the proposed amendment. **Proposed new text shall be highlighted and existing text to be deleted shall be shown with strike-through.**
- G. A legal description of the ~~real property~~ subject of **lot included in** the proposed amendment. **The applicant shall be the record title owner of the lot or an executed lease agreement for the affected lot shall be provided and written evidence submitted that the lessee has the owner's consent to make application.**
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the ~~property~~ **lot**.
- I. A copy of the official township zoning map with the ~~area~~ **lots** proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.

- K. A list of the addresses **and PPN's** from the county auditor's current tax list of all owners of property within and contiguous and directly across the street from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
- L. **A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply facilities.**
- ~~L~~**M.** The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

**ARTICLE XIII WIRELESS TELECOMMUNICATIONS TOWERS AND
FACILITIES**

Section 1300.0 Purpose

- A. It is the purpose of this section of the Troy Township Zoning Resolution to regulate wireless telecommunications antennas, towers, and facilities in order to promote public health, safety, and ~~morals~~ **general welfare** in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:
 - 1. **To Pp** protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers, antennas and facilities.
 - 5. To protect adjacent ~~properties~~ **lots** from potential damage from wireless telecommunications tower failure through proper engineering and careful siting of such structures.

Section 1301.0 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.

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 1302.0(M), (T), and ~~(U)~~ **(V)** (5).

C. A wireless telecommunications tower and appurtenant facilities may be permitted in the commercial B-1 **and industrial (M-1)** districts.

Section 1302.0 Conditional Uses

A wireless telecommunications tower and appurtenant facilities may be located, erected, constructed, reconstructed, changed, altered, removed or enlarged on a lot in any residential district used for lawfully existing nonresidential purposes including public safety departments;

schools; churches; parks; or federal, state, township, or county buildings, structures, or uses as a conditional use subject to the approval of the board of zoning appeals pursuant to the procedure set forth in Article V of this resolution and the following conditions as well as the regulations specified in this article.

- E. A report shall be prepared and submitted by a licensed professional engineer 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 1306.0 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 manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the minimum height necessary for its operation; and shall verify that radio frequency (electromagnetic) emissions are within compliance with **in** the regulations of the Federal Communications Commission (FCC). A copy of the FCC license issued to the wireless telecommunications provider shall be submitted.

- I. No more than one (1) warning sign, the maximum size of which shall be 6 square feet, shall be posted on the site 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, **fax number, email address,** and a telephone number in the event of an emergency. No other signs shall be posted on the site.

- S. If at any time the use of a wireless telecommunications tower, equipment shelter, and appurtenances ~~is~~ **are** discontinued for 60 consecutive days, ~~said~~ **such** facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail (return receipt requested) and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. 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.

- U. ~~Free standing wireless telecommunications towers, antennas, and appurtenances~~ **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 two hundred (200) feet above the grade.**

2. There shall be no more than one (1) wireless telecommunications tower(s) or 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.

V. Free-standing wireless communications towers, antennas, and appurtenances.

1. The maximum height of a free-standing monopole wireless telecommunications tower, including antenna(s), and appurtenances shall not exceed ~~150~~ **two hundred (200)** feet. The maximum height of a free-standing lattice wireless telecommunications tower, including antenna(s) and appurtenances shall not exceed 200 feet.
3. The maximum size of an equipment shelter accessory to a freestanding monopole wireless telecommunications tower shall be **four hundred (400)** square feet and for a freestanding lattice wireless telecommunications tower the maximum size of the equipment shelter shall be **nine hundred ninety (990)** 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. There shall be no more than one (1) equipment shelter(s) located on a lot in conjunction with wireless telecommunications tower or antenna(s). 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.

Section 1303.0 Prohibited Areas

Except as noted in Sections 1301.0 and 1302.0, wireless telecommunications towers and facilities are prohibited in residential districts, ~~general industrial districts~~ and the manufactured homes park district and **active and passive park districts** and no zoning certificate shall be issued therefor.

Section 1305.0 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 as follows:

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:

3. That no later than fifteen (15) days after the date of mailing of 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~~

3. If the board of township trustees receives notice from 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~~ **fiscal officer** 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) 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.

Section 1306.0 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.

H. Proof of compliance with the regulations of the Geauga Soil and Water Conservation District with respect to soil erosion and storm water runoff shall be submitted. ***The water management and sediment control regulations set forth in Article XVI may apply and may be a part of the site plan.***