

# MUNSON TOWNSHIP ZONING RESOLUTION

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1003.8, 1201.2, 1201.3, 1201.4, 1201.5  
1201.6

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**ARTICLE 1  
GENERAL PROVISIONS**

**SECTION 100            TITLE**

This Resolution shall be known as "The Munson Township Zoning Resolution, Geauga County, Ohio" and may be hereinafter referred to as "this Resolution."

**SECTION 101            JURISDICTION**

This resolution shall apply to all of the unincorporated territory of Munson Township, Geauga County, Ohio.

**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 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 and safety, and in accordance with the Munson Township Land Use Plan. Additional purposes of this Resolution are:

- a. To divide the Township into Zoning Districts and to provide uniform regulations for each class or kind of Buildings, Structures, and uses within such Zoning Districts.
- b. To regulate the location, height, bulk, number of stories, and size of Buildings and other Structures and the percentage of lot coverage by Buildings, Structures, and impervious surfaces.
- c. To regulate Building Setback Lines (yards) and other Open Spaces.
- d. To regulate the density of population by establishing minimum lot size, frontage, and width requirements in each Zoning District.
- e. To regulate the use of Buildings and Structures in each Zoning District and to ensure that appropriate utilities, sewage treatment and water supply facilities, and other matters related to public health, safety and general welfare are adequately addressed to serve such uses.

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- f. To conserve and protect the natural resources of the Township, including the supply of groundwater.
- g. To ensure that development is in accord with the capability and suitability of the land to support it.
- h. To provide regulations that advance balanced and orderly growth and development in the Township as well as preserve sensitive environmental resources.

**SECTION 103                      PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements.

**SECTION 104                      POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION**

- a. This Resolution does not prohibit the use of any land for agricultural purposes or the construction or use of Buildings or Structures incident to the use for agricultural purposes of the land on which such Buildings or Structures are located, including Buildings or Structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no Zoning Certificate shall be required for any such Building or Structure.
- b. 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. As used in this Resolution, "Public Utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Revised Code. However, subject to R.C. 519.211(B)(4)(a), 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.
- c. This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any Retail business, Hotel, lunchroom or Restaurant is permitted by this Resolution.
- d. This Resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- e. This Resolution does not apply with respect to a Building or Structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm

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products from farm to market or to food fabricating plants. However, this Resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any Buildings or Structures of a Public Utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such Public Utility for the operation of its business, to the extent that any exercise of such power is reasonable and not consistent with Chapters 4901, 4903, 4905, 4909, 4921, and 4923 of the Revised Code.

- f. This Resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five (5) megawatts or more.

**SECTION 105                      SCHEDULE OF FEES, CHARGES, AND EXPENSES; AND COLLECTION PROCEDURE**

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Certificates, amendments, appeals, Conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and Township Fiscal Officer, and may be altered or amended only by Resolution of the Board of Township Trustees.

Each application for a Zoning Certificate, amendment, or Conditional Zoning Certificate and notice of appeal shall be accompanied by the fee so established.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**SECTION 106                      FIRST DAY EXCLUDED AND LAST DAY INCLUDED IN COMPUTING TIME;  
EXCEPTIONS; LEGAL HOLIDAY DEFINED**

The time within which an act is required by law to be done shall be computed by excluding the first and last day; except that when the last day falls on Sunday or a Legal Holiday, then the act may be done on the next succeeding day which is not Sunday or a Legal Holiday. When a public office in which an act, required by law, is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or Legal Holiday as defined in R.C. 1.14.

**"Legal Holiday"** as used in this Section means the days set forth in R.C. 1.14.

If any day designated in R.C. 1.14 as a Legal Holiday falls on Sunday, the next succeeding day is a Legal Holiday.

**SECTION 107                    COMPUTATION OF TIME**

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

**SECTION 108                    SPECIFIC PROVISION PREVAILS OVER GENERAL; EXCEPTION**

If a general provision conflicts with a specific provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the specific provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevails.

**SECTION 109                    IRRECONCILABLE AMENDMENTS**

If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

**SECTION 110                    CONTINUATION OF PRIOR AMENDMENT**

A provision or regulation, which is re-enacted or amended, is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

**SECTION 111                    EFFECT OF AMENDMENT**

The amendment of this Resolution does not:

- a. Affect the prior operation of this Resolution or any prior action taken hereunder;
- b. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred hereunder;
- c. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
- d. Affect any investigation, proceeding, or remedy in respect to any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if this Resolution had not been amended.



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**SECTION 112            ANNEXED TERRITORY**

Upon annexation of Township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and shall be enforced by the Township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

**SECTION 113            SEVERABILITY**

If any provisions or regulations of this Resolution or an amendment thereof or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions, regulations, applications, or amendments of this Resolution which can be given effect without the invalid provision, regulation, application or amendment; and to this end the provisions, regulations, and amendments are severable.

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**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**SECTION 201                    CONSTRUCTION OF LANGUAGE**

For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

- 201.1 Words used in the singular shall include the plural, and the plural the singular;
- 201.2 Words used in the present tense shall include the future tense;
- 201.3 The word "shall" is mandatory and not discretionary;
- 201.4 The word "may" is permissive;
- 201.5 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and
- 201.6 The word "structure" includes the words building, sign, dwelling, residence, church, house, fence, etc.

**SECTION 202                    DEFINITIONS**

All words used in this Resolution shall have their customary meanings as defined in the Ninth Edition of *Webster's New World Dictionary*, except those specifically defined in this section.

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

Agriculture - Includes farming; algaculture meaning the farming of algae; ranching; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agritourism - as defined in O.R.C. Section 901.80(A)(2) or as amended, means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Airport, Private - Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.

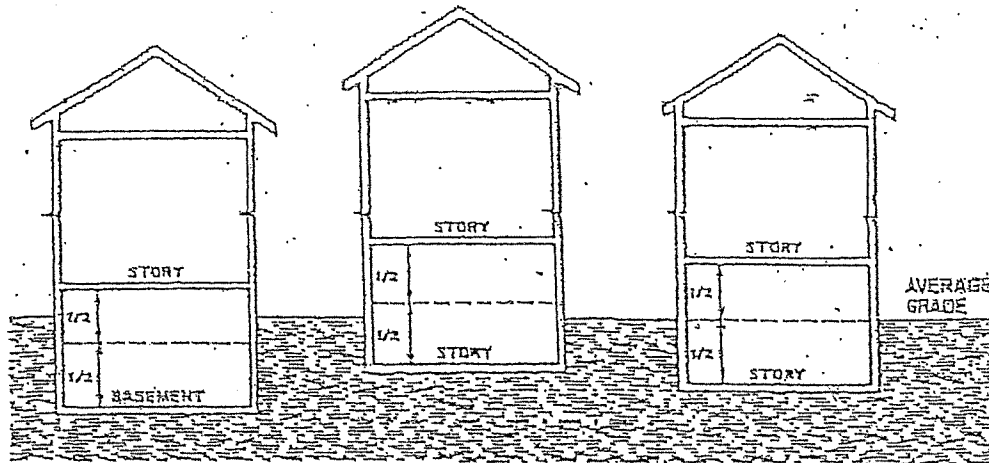
Antenna - Any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower.

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

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Barn - An accessory structure customarily used for the housing of livestock and for the storage of crops.

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 Illustration on next page)



Beginning of Construction - The beginning of construction is the incorporation of labor and material within the walls of a building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; and the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Building - A temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Height - The vertical distance of the building as measured from the finished lot grade level at the midpoint of the front of the building to its highest point.

Building Line - A line parallel to the nearest lot line and through the point on the primary structure closest to that lot line.

Car Lot - Any place outside of a building where two or more motor vehicles in operating condition are displayed and offered for sale.

Care Centers

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

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provision of social services, supervision of persons with cognitive disabilities, exercise and recreation activities, laundry and housekeeping services, and transportation services.

- b. Congregate Care Living Unit – A form of senior housing which permits independent living by seniors but combines privacy and companionship with private bedroom or living units and shared common areas for living space, social activities, dining, and amenities. Such facilities shall be designed to accommodate the special needs of elderly and/or infirm residents which may include wheelchair accessibility, emergency intercoms or call buttons, provisions of meals, housekeeping, social services, and transportation.
- c. Continuing Care Center - A campus, or comparable coordinated complex with facilities and services intended to provide habitation and continuing care for individuals, or couples of which either one is aged fifty-five (55) years or over, and consisting at a minimum of Assisted Living Units and/or nursing care living units, but may also include independent Living Units, and all normal and necessary support facilities associated with continuing care facilities, including congregate dining provisions, recreational opportunities, personal care needs, the sale of accessory retail goods and services within the complex, nursing and other health care services, and other environmental settings and enhancements to meet all other reasonable needs of the residents.
- d. Child Day-Care Center – See Section 524.1
- e. Licensed Residential Facilities – See Section 524.2

Cemetery - Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, columbariums, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Clinic - A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club - A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Recreational Facilities, Indoor - Any facility the principal use of which is commercial activity conducted primarily indoors related to the recreational field, such as bowling alleys, skating rinks, indoor tennis courts, and motion picture theaters.

Commercial Recreational Facilities, Outdoor - Any facility the principal use of which is commercial activity conducted primarily outdoors related to the recreational field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, and country clubs.

Commercial Vehicle - Any vehicle required to be licensed as such by the state.

Conditional Use - A use permitted within a district other than a permitted principal use, requiring a conditional zoning certificate and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 8, Section 801.

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Conditional Zoning Certificate - A written authorization issued in accordance with Article 8 to allow certain specific developments that would not otherwise be allowed in a particular zoning district.

Cul-de-sac - A street or road, one end of which intersects with another existing street or road and the other end of which terminates in a vehicular turnaround.

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

District - A portion of the area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

Drive-In - A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons in the motor vehicle.

Driveway - A private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

Dry Hydrant - A standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting. The standpipe shall be fitted with a head connection compatible with the equipment of the Munson Fire Department.

Dwelling - Any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein.

Dwelling Unit - One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.

Dwelling, Single-Family - A building containing one dwelling unit on an individual lot.

Dwelling, Two-Family - A building containing two dwelling units which may be either attached side-by-side or one above the other. Each unit shall have a separate entrance.

Dwelling, Multiple-Family - A building containing three or more dwelling units, including townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.

Easement - Authorization by a property owner for use by another for a specified purpose, of any designated part of his property.

Family - 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 adult persons not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall also 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

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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.

Fence - An artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A fence shall not include hedges, shrubs, trees or other natural growth or vegetation.

Finished Lot Grade Level - The elevation of the final grade of the ground on a lot within six (6) feet of the foundation or base of a building or structure.

Fire Department Water Resource - A year round source of water capable of, at a minimum, supplying one-thousand (1,000) gallons per minute for a continuous two (2) hour period under all weather conditions. Such water resource shall be equipped with a hydrant that will permit withdrawal of water and be compatible with the equipment of the Munson Fire Department.

Fixture, full cut-off lighting - a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

Flood Plain - A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

Garage, Private - A detached accessory building or a portion of a main building, intended for the parking or storage of occupant's automobiles, recreational vehicles, boats, or other vehicles.

Garage, Public - A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

Glare - The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Glare, direct - The glare resulting from the human eye being able to see the light-emitting portion of a light fixture.

Golf Course - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three golf courses. Specifically excluded would be independent driving ranges and any miniature golf courses.

Home Occupation - A Home Occupation is an accessory use which is an activity, profession, occupation, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted within the dwelling unit or an accessory building.

Hospital - A building containing beds for patients and devoted to the medical diagnosis, treatment, and care of human injuries and/or ailments by licensed physicians and other medical staff.

Hotel - See "motel".

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Industrialized unit – A structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101.2-1-62(A).

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.

Junkyard - An area (whether inside or outside of a building) used for the storage, keeping, abandonment, salvage, buying or selling of junk, scrap metals, paper, rags or other scrap materials, or for the dismantling, demolition, storage, or abandonment of currently unlicensed motor vehicles.

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

Lattice – A framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

Living Space – Any area within a building fit for human habitation which meets the basic requirements of the Geauga County Residential Building Code and may be used for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, laundries, storage spaces, or ceiling features such as vaults and coffers.

Living Unit – A room or group of rooms, intended for independent residential living, which may be occupied by one or more persons, and which is associated with congregate facilities intended to serve the needs of the residents such as a common dining area, social or group activity areas, assistance or caregiver facilities, etc. "Living Units" may include dormitory living units, Congregate Care Living Units, Assisted Living Units, and/or nursing care living units.

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

Lot - A parcel of land with fixed boundaries and not divided by a road as established by deed records or plats on file in the Geauga County Recorder's Office.

- a. Corner Lot - A lot located at the intersection of two or more roads.

Lot Coverage - The percentage of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, decking, a paver, permeable pavement, or any other manmade material. Lot coverage includes the ground area covered or occupied by a stairway or deck but does not include a fence or wall that is less than one foot in width that has not been constructed with a footer.

Lot Depth – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.

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Lot Line - Any recorded line serving to define the boundaries of a given lot.

- a. Front Lot Line - The boundary of a lot adjacent to a public or private road right-of-way.
- b. Rear Lot Line - The property line opposite the front lot line except where the lot is triangular. If the principal building on a triangular lot faces an angle thereof, one side of which is the front lot line, then the rear lot line is opposite such angle.
- c. Side Lot Line - A lot line extending from one extremity of the front lot line to one extremity of the rear lot line.

Lot Width - The distance between straight lines connecting the front and rear lot lines at each side of the lot measured at the front lot line and at the minimum building setback line, and measured at all points continuously along said straight lines from the front lot line to the minimum building setback line inclusive.

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

Manufactured Home – A building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06(C)(4).

Manufactured Home Park – Any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in Ohio Revised Code Section 3733.01(A).

Mineral Extraction Operation - Any operation, including accessory buildings, roads, or structures involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral extraction is an interim land use and such operations shall possess a plan for ultimate use of the property.

Mobile Home – A building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.0(O), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

Monopole – A structure composed of a single spire.

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

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

Natural Grade -- The unaltered elevation and contour of the ground surface.



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Nonconforming Lot - A single lot of record lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, which does not conform to the requirements established by this Resolution, or subsequent amendments thereto, for the district in which the lot is located.

Nonconforming Structure - A structure lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on a lot, bulk or other requirements concerning the structure.

Nonconforming Use - A use of land lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, that could not be permitted under the terms of this Resolution by reason of restrictions on the district and does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.

Nursery, Retail - Land, buildings, structures, or a combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.

Nursing Home – A home as defined in O.R.C. Section 3721.0 or as amended, and used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.

Open Space - An area of land which is undeveloped and preserved in a natural state substantially undisturbed by man-made improvements or alterations. Open space areas may include open fields, woodlands, water bodies, and storm detention basins. Play fields and recreational facilities shall not be considered open space.

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

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

Personal Wireless Services – Commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

Personal Wireless Service Facility – Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c) (7).

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

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

Principal Building – A building within which the main or primary permitted use is conducted on a lot.

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

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Private Road – A recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Public Road – A road right-of-way for public use as defined in the R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

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 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?

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?)

Radio – The communication of impulses, sounds, and pictures through space by electromagnetic waves.

Recreational Use - For the purpose of this Resolution, recreational use shall include but not be limited to the following: golf courses, skiing facilities and swimming facilities.

Recreation Vehicle – A portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

Research Activities - Research, development and testing related to, but not limited to, such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration, or odor shall be detected outside such building.

Resolution - The Munson Township Zoning Resolution.

Restaurant – An establishment whose primary function is the offering of food and beverages which are sold only inside the building and are usually consumed within the restaurant building or on the premises, but may be packaged to be carried and consumed off of the premises.

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Retail – Sales to the ultimate consumer for consumption and/or use and not for resale.

Right-of-Way – All land purchased or dedicated for use as a public way or land reserved as an easement for private use as a road or street for ingress or egress. In addition to the roadway, it may incorporate the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Road – A public or private thoroughfare which affords the principal access to an adjacent lot or parcel of land.

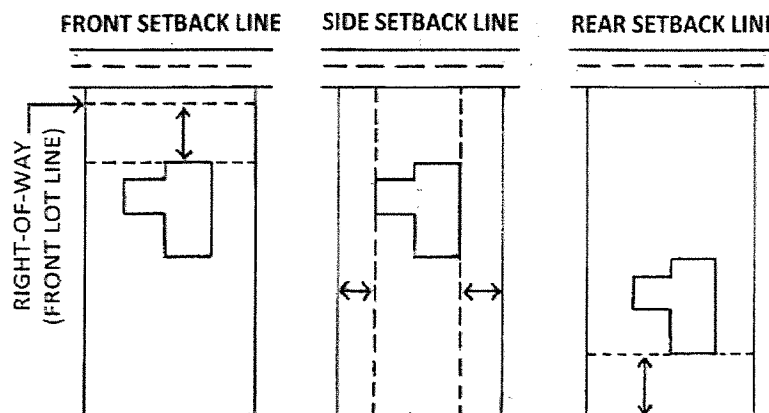
School – Any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

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

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

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 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 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 Illustration below)



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Sexually Oriented Businesses

- a. Adult Arcade – An establishment where coin operated or slug/token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas." See also video viewing booth or arcade booth.
- b. Adult Bathhouse or Sauna – A steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- c. Adult Cabaret – A building or portion thereof including a nightclub, bar, restaurant or similar establishment, which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:
  1. Persons who appear in a state of nudity, or
  2. The exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.
- d. Adult Massage Business – Any establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "anatomical areas", unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.
- e. Adult Media – Magazines, books, videotape movies, slides, cd-roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.
- f. Adult Media Store – An establishment which, as one of its principal business purposes, rents and/or sells media for any form of consideration any one or more of the following:
  1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; or
  3. It advertises or markets itself in any form as "X rated," "adult," "sex," or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.
- g. Adult Motel or Hotel – An establishment which:

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1. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
  2. Rents, leases or lets any single room or suite for a period of time that is less than ten (10) hours; or
  3. Allows an occupant or tenant to sublet a room or suite or less than ten (10) hours; or
  4. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.
- h. Adult Motion Picture Theater – An establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- i. Adult Oriented Business – An establishment which is designated and used to sell, rent, or show sexually explicit or hard-core materials, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning adult arcade, adult media store, adult motion picture theater, adult theater, adult paraphernalia business, and an adult sexual encounter business. An adult oriented business includes a sexually oriented business.
- j. Adult Sexual Encounter Business – An establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult sexual encounter business shall include an adult cabaret, a lingerie or adult modeling studio, a nude photography studio, an adult bathhouse or sauna, body-painting studio, an adult massage business, and an adult hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.
- k. Adult Sexual Paraphernalia Business – An establishment, which devotes forty percent (40%) of its gross public floor area to the sale or rental of adult media or sexually oriented devices, toys or novelties.
- l. Adult Theater – An establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of nudity or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- m. Body-Painting Studio – An establishment wherein paint or similar materials or substances are applied to specified anatomical areas of patrons who are in a state of nudity.
- n. Display Publicly – The act of exposing, placing, posting, exhibiting, or any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a

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**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.

- o. Establishment – Any business regulated by this article.
- p. Explicit Sexual Material – Any hard-core material.
- q. Gross Public Floor Area – The total area of a building accessible or visible to the public including showrooms, merchandise display areas, and arcades; including the aisles, hallways, and entryways serving such areas.
- r. Hard-Core Material – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- s. Lingerie or Adult Modeling Studio – An establishment that provides the services of live models to model lingerie to patrons and who engage in specified sexual activities or expose specified anatomical areas.
- t. Nude Photography Studio – An establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in specified sexual activities or expose specified anatomical areas while being photographed.
- u. Nudity – The showing of either of the following:
  - 1. The human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or
  - 2. The female breast with less than a fully opaque covering on any part of the areola.
- v. Sexually Oriented Devices, Toys or Novelties – Without limitation, any artificial or simulated specified anatomical or other device, novelty, toy or paraphernalia that is designed principally for specified sexual activities or to stimulate human genital organs, but shall not mean any contraceptive device.
- w. Specified Anatomical Areas – Less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and the male genitals in a discernibly turgid state, even if completely and opaquely covered.
- x. Specified Sexual Activities – Any of the following:
  - 1. Human genitals in a state of sexual stimulation or arousal;
  - 2. The fondling of or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
  - 3. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
  - 4. Masturbation, actual or simulated; or
  - 5. Excretory functions as part of, or in connection with, any of the activities set forth herein above.

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

Sign - Any structure, device or surface which is used, displayed or posted in order to attract public attention or to communicate to the public.

- a. Billboard - Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.
- b. Directory Sign – Any sign on which the names and locations of occupants and/or use of the building is given.
- c. Election Sign – Any temporary sign designed to promote election information or other issues before the voters.
- d. Electronic Changeable Sign – Any sign designated to display multiple or changeable message by electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified from time to time by electronic devices. Electronic changeable signs may include either electronic message boards or digital displays. Electronic changeable signs shall not be considered as flashing or moving signs.
- e. Flat or Wall Sign - Any sign attached to or painted on the wall of a building with the face in a plane parallel to such wall, and not extending more than twelve inches from the face of such wall.
- f. Freestanding Sign - Any temporary, mobile or portable sign or sign structure not securely or permanently attached to the ground or to a building.
- g. Ground Sign - Any sign supported by one or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.
- h. Home Occupation Sign - A sign presenting outward evidence of a home occupation.
- i. Mobile or Portable Sign – A sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, or other mobile devices, including, but not limited to tethered and anchored balloons.
- j. Off-site Sign – Any sign located on property other than owned or leased by the entity having or hosting a particular event.

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- k. Projecting Sign - Any sign which is attached perpendicular to any building or structure and extends more than twelve inches beyond the surface of that portion of the building or structure.
- l. Real Estate Sign - Any sign advertising or announcing that a structure or parcel of land is for sale or rent.
- m. Roof Sign - Any sign erected upon the roof of a building, all surfaces of which are located above the roof surface.
- n. Sign Face - That portion of the surface of a sign structure where words, graphic illumination, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed.
- o. Temporary Sign - A sign that is designed and meant to be erected only for a limited time period as specified in this Resolution and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Any sign that is intended to draw attention to a particular event or occurrence including, but not limited to elections, sales and festivals.

Site - For the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure.

Soil Map - Part of the Munson Township Zoning Resolution containing explanatory data consisting of surficial geology, soil types, slope classes, and significant features such as rivers, streams, quarries, etc.

Staff Housing - Living Units designed and intended for use by the instructors, administrative staff, or health care providers.

Stealth facility - Any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

Story - The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is no floor above, then the ceiling next above. The floor of a story may have split-levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

Story, Half - An uppermost story lying under a gambrel, hip, gable or shed roof if used, in whole or part, for dwelling or habitable purposes.

Structurally Alter - To change any characteristic of a building or structure reflected in the application for the certificate issued for its original construction or in any applications for a certificate issued with respect to it after its original construction. If no such certificates have been issued, "structurally alter" means to change any characteristic of a building or structure as it exists on the effective date of this Resolution and which characteristic would be set forth in an application for a certificate for its construction on that date.



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Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Structure Height – The vertical distance of the structure as measured from the finished lot grade level to the highest point of a structure.

Student Housing – Living Units designed and intended for the housing of boarding students of a private academic school.

Swimming Pool - Any artificially constructed pool, including a hot tub, which contains a depth of water of at least one and one-half feet at any point used or intended to be used for swimming, bathing, or recreational purposes including any accessory recreational structures.

Technically suitable – 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 – Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

Telecommunications tower – Any free standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.21 (B) (a-e) and this resolution.

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

Tower – 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.

Township - The Munson Township located in Geauga County of the State of Ohio.

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

Travel or Camp Trailer – A trailer towed behind a motor vehicle.

Unlicensed wireless service – The offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services.

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

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

Wireless Telecommunications Antenna – An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator.

Wireless Telecommunications Equipment Shelter – The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility – A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

Yard - The open space lying between the front, side or rear building line and the nearest lot line which is unoccupied except for accessory buildings or storage not prohibited in such yards by this Resolution.

- a. Front Yard - The open space lying between the front lot line and the building line of the principal building nearest thereto. In the case of a corner lot, the front lot line shall be determined by the location of the principal building at the time of initial application for a zoning certificate. If a corner lot is vacant the front lot line shall be determined by the chart in Section 411.
- b. Side Yard - The open space lying between the side lot line and the building line of the principal building nearest thereto.
- c. Rear Yard - The open space lying between the rear lot line and the building line of the principal building nearest thereto.

Zoning Certificate - A document issued by the Zoning Inspector, in accordance with the regulations specified in this Resolution, certifying that the use of lot or structure is in conformance with this Resolution.

Zoning Commission - The Zoning Commission of Munson Township, Geauga County, Ohio.

Zoning District - See District.

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

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.

**ARTICLE 3  
ESTABLISHMENT OF DISTRICTS AND MAP**

**SECTION 301                    ESTABLISHMENT OF DISTRICTS**

In order to carry out the purposes and provisions of this Resolution, Munson Township is hereby divided into the following zoning districts:

**RESIDENTIAL DISTRICTS**

<b>R-1</b>	Residential	2.5 acres	
<b>R-2</b>	Residential	5.0 acres	(bedrock)
<b>R-3</b>	Residential	5.0 acres	(slope)
<b>R-4</b>	Residential	5.0 acres	(wetlands)
<b>FP</b>	Flood Prone	5.0 acres	(with Board of Zoning Appeals approval)

**INSTITUTIONAL DISTRICT**

**IN** - Institutional

**COMMERCIAL DISTRICT**

**C** - Commercial

**INDUSTRIAL DISTRICT**

**I** - Industrial

**MEDICAL DISTRICT**

**MU** - Medical Use

**SECTION 302                    OFFICIAL ZONING DISTRICT MAP**

The zoning districts and their boundaries are shown on the Official Zoning District Map of Munson Township. 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 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:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of roads, highways, and/or alleys shall be construed to follow such center lines or their extensions;

**ARTICLE 3**  
**ESTABLISHMENT OF DISTRICTS AND MAP**

- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated as approximately following township limits shall be construed as following township limits;
- 303.4 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 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.
- 303.5 If a lot or a proposed lot in a Residential District is located within two or more districts, its use shall be subject to the district having the smaller lot size requirement only if the majority of such lot's total area falls within the district having the smaller lot size requirement. This section is not intended to permit a significant number of lots in a given development to include land in a district requiring a larger lot size than that applicable to the district being developed.

**SECTION 401                    R-1 RESIDENTIAL DISTRICT**

**INTENT AND PURPOSE**

The intent of the **R-1** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 2 ½ acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil 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.

**401.2                            Permitted Principal Uses and Structures**

- a. One single-family dwelling in accordance with Article 5.
- b. Places of Worship as regulated in Article 5.
- c. Forests and wildlife preserves.
- d. Public structures and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- e. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- f. Type B family day-care home and Type B home – See Section 524.1

**401.3                            Permitted Accessory Uses and Structures**

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory signs as regulated in Article 10.
- c. Private garage
- d. Home Occupations as regulated in Article 5.
- e. Storage of Recreational Vehicles as regulated in Article 5.
- f. Private swimming pools and game courts for the use of occupants and their guests as regulated in Article 5.
- g. Temporary uses incidental to construction work as regulated in Article 5.
- h. Storage of Commercial Vehicles in an accessory structure.

**401.4                            Minimum Dimensional Requirements**

As shown in Section 411.

**401.5                            Agricultural Use Exception**

If a user believes that his proposed use of a building or structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

**401.6                            Parking**

As regulated in Section 521.

**401.7                            Driveway**

As regulated in Section 511.

**SECTION 402                    R-2 RESIDENTIAL DISTRICT**

**INTENT AND PURPOSE**

The intent of the **R-2** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

**402.1                            Permitted Principal Uses and Structures**

- a. One single-family dwelling in accordance with Article 5.
- b. Places of Worship as regulated in Article 5.
- c. Forests and wildlife preserves.
- d. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- e. Licensed Residential Facilities as defined in O.R.C. 5123 (M) and O.R.C. 5119.341 (A) or as amended.
- f. Type B family day-care home and Type B home – See Section 524.1

**402.2                            Permitted Accessory Uses and Structures**

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory signs as regulated in Article 10.
- c. Private garage.
- d. Home Occupations as regulated in Article 5.
- e. Storage of Recreational Vehicles as regulated in Article 5.
- f. Private swimming pools and game courts for the use of occupants and their guests as regulated in Article 5.
- g. Temporary uses incidental to construction work as regulated in Article 5.
- h. Storage of Commercial Vehicles in an accessory structure.

**402.3                            Minimum Dimensional Requirements**

As shown in Section 411.

**402.4                            Agricultural Use Exception**

If a user believes that his proposed use of a building or structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

**402.5                            Parking**

As regulated in Section 521.

**402.6                            Driveway**

As regulated in Section 511.

**SECTION 403                    R-3 RESIDENTIAL DISTRICT**

***INTENT AND PURPOSE***

The intent of the **R-3** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

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

- a. One single-family dwelling in accordance with Article 5.
- b. Places of Worship as regulated in Article 5.
- c. Forests and wildlife preserves.
- d. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- e. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- f. Type B family day-care home and Type B home – See Section 524.1

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

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory signs as regulated in Article 10.
- c. Private garage.
- d. Home Occupations as regulated in Article 5.
- e. Storage of Recreational Vehicles as regulated in Article 5.
- f. Private swimming pools and game courts for the use of occupants and their guests as regulated in Article 5.
- g. Temporary uses incidental to construction work as regulated in Article 5.
- h. Storage of Commercial Vehicles in an accessory structure.

**403.3                            *Minimum Dimensional Requirements***

As shown in Section 411.

**403.4                            *Agricultural Use Exception***

If a user believes that his proposed use of a building or structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

**403.5                            *Parking***

As regulated in Section 521.

**403.6                            *Driveway***

As regulated in Section 511.

**SECTION 404                    R-4 RESIDENTIAL DISTRICT**

**INTENT AND PURPOSE**

The intent of the **R-4** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

**404.1                            Permitted Principal Uses and Structures**

- a. One single-family dwelling in accordance with Article 5.
- b. Places of Worship as regulated in Article 5.
- c. Forests and wildlife preserves.
- d. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- e. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- f. Type B family day-care home and Type B home – See Section 524.1

**404.2                            Permitted Accessory Uses and Structures**

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory signs as regulated in Article 10.
- c. Private garage.
- d. Home Occupations as regulated in Article 5.
- e. Storage of Recreational Vehicles as regulated in Article 5.
- f. Private swimming pools and game courts for the use of occupants and their guests as regulated in Article 5.
- g. Temporary uses incidental to construction work as regulated in Article 5.
- h. Storage of Commercial Vehicles in an accessory structure.

**404.3                            Minimum Dimensional Requirements**

As shown in Section 411.

**404.4                            Agricultural Use Exception**

If a user believes that his proposed use of a building or structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

**404.5                            Parking**

As regulated in Section 521.

**404.6                            Driveway**

As regulated in Section 511.



**SECTION 405 FLOOD-PRONE DISTRICT (FP)  
INTENT AND PURPOSE**

The intent of the FP District is to recognize the existence of areas constituting flood plains, the hazards building and other development in such areas pose to the health, safety and general welfare of the community, and the consequent need for special control over such building and development. Such controls and dwelling density are consistent with the Munson Township Land Use Plan and the associated Munson Township Soil Map. Unless noted otherwise, all buildings, structures and uses in a Flood-Prone District are subject to approval by the Board of Zoning Appeals in accordance with Section 806.

**405.1 Minimum Lot Size**

The minimum size of a lot in the Flood Prone District shall be five (5) acres.

**405.2 Conditional Uses, Principal Buildings and Structures: Conditional Use Zoning Certificate Approval Per Section 806 Required**

- a. One single-family dwelling per lot in accordance with Section 806.
- b. Forests and wildlife preserves
- c. Places of Worship as regulated in Article 5.
- d. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.

**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.
- b. Home occupation as regulated in Article 5.
- c. Temporary uses incidental to construction work as regulated in Article 5.
- d. Accessory signs as regulated in Article 10.
- e. Private garage
- f. Storage of Recreational Vehicles as regulated in Article 5.
- g. Private swimming pools and game courts for the use of occupants and their guests as regulated in Article 5.
- h. Storage of Commercial Vehicles in an accessory structure.

**405.4 Minimum Dimensional Requirements**

As shown in Section 411.

**405.5 Agricultural Use Exception**

If a user believes that his proposed use of a building or structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

**405.6 Parking**

As regulated in Section 521.

405.7                    ***Driveway (Residential)***

As regulated in Section 511.

405.8                    ***Driveway (Commercial, Industrial, Institutional and Medical Use Districts)***

As regulated in Section 521.

**SECTION 406                    INSTITUTIONAL DISTRICT (IN)**

***INTENT AND PURPOSE***

The Institutional District is established to:

1. Provide for the lifestyle needs of elderly persons and to enable elderly persons to obtain suitable, safe, sanitary and cost-effective housing and related facilities which are designed to meet their special needs with respect to: the location of buildings, the relationship of such buildings to one another, the design of dwellings, parking needs, the needs or desire for congregate dining, recreation, and/or continuing health care facilities.
2. Provide for educational facilities offering academic programs designed to meet the academic needs of students in compliance with the State of Ohio and other recognized academic standards, and
3. Provide for places of worship.

It is intended that such institutional facilities be developed and operated in a manner which is consistent with:

- a. Maintaining the prevailing rural atmosphere of Munson Township;
- b. Minimizing impacts on the natural environment;
- c. Preserving significant areas of Open Space; and
- d. Minimizing impacts on Township facilities and adjacent residential properties.

**406.1                            *Permitted Principal Uses and Structures:***

- a. Academic Schools which may include.
  1. Elementary
  2. Middle school or junior high
  3. High school
  4. College
- b. Continuing Care Facilities which shall at a minimum contain nursing care and/or assisting living services.
- c. Places of Worship

**406.2                            *Permitted Accessory Uses and Structures:***

- a. Staff housing
- b. Student housing
- c. Congregate Care Living Units
- d. Independent Dwelling Units
- e. Day-care facilities
- f. Facilities for cultural enlightenment
- g. Signs as regulated in Article 10
- h. Private recreational facilities intended for use by residents and/or students.
- i. Open Space
- j. Facilities designed to meet the special needs of the elderly and students such as physical therapy, dental offices, dialysis centers, and similar facilities.
- k. Supporting retail facilities having no exterior identification or signage and not exceeding a maximum of two-thousand (2,000) square feet in floor area.
- l. Other Accessory Structures necessary and integral to the operation of the principal permitted use.
- m. Parking Areas and Loading Spaces as regulated in Section 521.

406.3 **Minimum Dimensional Requirements**

In addition to the other standards, requirements, and criteria set forth herein, each Institutional use shall also comply with the minimum dimensional requirements set forth in Section 411.

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 Lot Coverage** – The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed forty percent (40%) of the total area of the lot.
- b. **Minimum Open Space** – The minimum open space shall be sixty percent (60%) of the total area of the lot.
- 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. The minimum front yard setback for a building, structure or parking area shall be two hundred (200) feet from the right of way of the public road on which it fronts. The front is the part of the structure that is nearest to the origin of the measurement (see Minimum Dimensional Requirements Chart).
  2. The minimum setbacks for a building, structure or parking area shall be two hundred (200) feet from any other lot line (see Minimum Dimensional Requirements Chart).
  3. A building or structure shall be setback a minimum of thirty-six (36) feet from the 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.
- d. **Grading** – Each Institutional District use site shall be graded for proper drainage and meet the requirements of Section 508.
- e. **Minimum Floor Area** – Dwelling Units and Living Units shall comply with the following minimum floor area requirements:
  1. Dormitory Living Units – 120 square feet per student
  2. Faculty and/or employee Dwelling Units – 650 square feet
  3. Congregate Care Living Unit – 550 square feet
  4. Assisted Living Unit – 400 square feet
  5. Nursing Care Living Unit – 265 square feet
  6. Independent Dwelling Unit –

Efficiency	550 square feet
One Bedroom	850 square feet
Two Bedrooms	1000 square feet
Three Bedrooms	1150 square feet
Four Bedrooms	1400 square feet
Five Bedrooms	1550 square feet

- f. **Utilities** – Each Institutional District shall be served by a central water supply system and a central sanitary sewage disposal system. Utility lines, including electric, telephone and gas, and fuel storage facilities required to service new construction shall be installed underground.
- g. **Residential Use** – Dwelling and Living Units shall be limited to and used only by those students, residents and/or staff connected with the primary function of the institution.
- h. **Screening** – A visual barrier comprised of natural plantings, and/or earth berms shall be required along perimeter property lines adjacent to residences not located within the Institutional District. The minimum height of earth berms, walls, or fences shall be six (6) feet. Fences shall be board-on-board or comparable solid type fencing as approved. Walls shall consist of materials which are compatible with the proposed building façade. Fences shall be earth tone in color. Each buffer shall be planted with a mixture of sixty percent (60%) evergreen trees and forty percent (40%) deciduous trees. There shall be a minimum of one (1) tree for each twenty (20) lineal feet of buffer area. Trees shall be a minimum of six (6) feet in height at the time of installation. Uniform spacing is not required.
- i. **Minimum Area** – Each Institutional District shall contain a minimum of one hundred (100) contiguous acres in the same ownership.

406.5

**Site Development Plans**

- a. **Site Development Plan Required** – A Site Development Plan shall be required prior to the construction, reconstruction, expansion, alteration, or establishment or any use within an Institutional District. No construction activity shall commence for any use or portion thereof unless and until a site development plan has been submitted to the Zoning Inspector for review and approval as set forth herein, and a valid Zoning Certificate has been issued by the Zoning Inspector for said use.
- b. **Application** – Applications for site development plan approval shall be made to the Zoning Inspector and shall be accompanied by such filing fees and consultant review deposits as may be established by the Township Trustees. All site development plans shall conform with the requirements of Subsection (c) hereof.
- c. **Site Development Plan Standards** – Each application for Site Development Plan review shall include three (3) copies of a plan prepared and certified by one or more persons duly authorized and registered by the State of Ohio to prepare such respective documents. Development plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100') and shall include, at a minimum, the following data:
  - 1. The name of the development, the name of the owner or developer, north arrow, date and scale;
  - 2. The owners and zoning classification of adjoining parcels;
  - 3. A boundary survey;
  - 4. Existing topography and proposed finished grade with a maximum two feet (2') contour interval;
  - 5. Proposed Building locations;
  - 6. Location of all minimum Setback Lines;

7. Vehicular and pedestrian circulation plans;
  8. All off-street parking areas indicating the number of parking spaces provided and the number required;
  9. Detailed site grading and drainage plans including storm detention calculations, pipe sizing analyses, and provisions for control of erosion and sedimentation;
  10. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
  11. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
  12. Location and size of all recreation and Open Space areas;
  13. A detailed landscaping plan including a listing of all plant material by type, size, and number, and including the type, size, and height of all fencing, screening, and retaining walls;
  14. Architectural plans of proposed structures including the number and minimum floor area of Dwelling and Living Units, provisions for congregate dining and the preparation and serving of meals, provisions for nursing care and/or protective oversight, provisions for elderly and handicapped accessibility, and provisions for common social areas;
  15. Building elevations of all proposed buildings including descriptions of proposed façade materials and treatments;
  16. A site lighting plan;
  17. Typical sections for all proposed streets and access drives;
  18. Proposed phases if the project is to be developed in stages
  19. A summary table showing the total acres of the proposed development, the number of acres devoted to Open Space, Streets, and the number of Dwelling and Living Units by type.
- d. **Application Process** – The Zoning Inspector may request review and assistance from consultant reviewers, including but not limited to qualified professional civil engineers, planners, or architects to ensure the Site Development Plan application conforms with this Resolution. The cost of such consultant reviewers shall be borne by the applicant and shall be deposited with the Township as set forth in Subsection (b) and as specified by the Township Trustees. Notwithstanding Section 1101.2 herein, the Zoning Inspector is not required to approve or disapprove the Site Development Plan application within thirty (30) days. However, the Zoning Inspector shall respond to the applicant, in writing, within thirty (30) days, said response shall provide the status of the Site Development Plan approval process which approval process may require more than thirty (30) days.

406.6                      **Parking**

As regulated in Section 521.

406.7                      **Driveway**

As regulated in Section 521.

**SECTION 407                      COMMERCIAL DISTRICT (C)**

***INTENT AND PURPOSE***

The purpose of the Commercial District is to provide for the establishment of areas devoted for the use of those retail and personal service businesses that operate as a response to the daily needs of the residents of Munson Township. This district is designed to allow for change and growth within these areas, but also to prevent this mixture of commercial uses from unnecessarily spreading into the adjacent districts.

407.1                                      ***District Boundaries***

District designations of the zoning map notwithstanding, the following parcels are commercial districts:

- a. **Parcel # 1** - The parcel is circumscribed by a line starting at the center point of the intersection of Fowlers Mill Road and Route 322 and running Westerly along the centerline of Route 322 for 750 feet, then Southerly paralleling Fowlers Mill for 750 feet, then Easterly and paralleling Route 322 to a point 750 feet East of the centerline of Fowlers Mill, then Northerly paralleling Fowlers Mill to Route 322, then Easterly along the centerline of Route 322 for 650 feet, then Northerly paralleling Fowlers Mill for 750 feet then Westerly paralleling Route 322 to a point 750 feet West of the center-line of Fowlers Mill, then Southerly paralleling Fowlers Mill to Route 322.
- b. **Parcel # 2** - The parcel of land within 750 feet to the North and South of the centerline of Route 322 between Bass Lake Road and the Eastern boundary of Munson Township.

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 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:

1. Antique shops
2. Art and school supply stores
3. Auction houses
4. Bakery and doughnut shops
5. Banks and savings and loan offices
6. Barbers, beauty salons, shoe repair, and tobacco shops
7. Bicycle sales and service
8. Blueprint and photocopy establishments
9. Book and stationery shops
10. Business machine sales and service
11. Camera and photography sales and service
12. Candy and ice cream shops
13. Carpet and rug sales
14. Catering services
15. Clothing and apparel sales and costume rental
16. Clubs, lodges, civic or fraternal organization
17. Commercial recreational facilities, indoor and outdoor
18. Construction services, including offices, excluding heavy construction equipment.

**ARTICLE 4  
DISTRICT REGULATIONS  
COMMERCIAL DISTRICT**

19. Convenience carry-out stores with drive-through facilities
20. Delicatessens
21. Dental laboratories
22. Department stores and/or discount stores
23. Drug stores
24. Electrical and appliance sales and service
25. Employment services
26. Farm supply stores
27. Florist
28. Furniture and home furnishing sales, repair and upholstery shops
29. Grocery stores and specialty food stores
30. Hardware stores
31. Health and athletic clubs
32. Heating and air conditioning sales and service
33. Interior decorating studios
34. Jewelry sales, service and repair
35. Laundry and dry cleaning establishments
36. Lawn maintenance equipment sales and service
37. Medical clinics
38. Motor Vehicles - parts and accessories, sales, repair stations and/or service stations, sales or rentals
39. Musical instrument sales and repair
40. Off- road parking lots
41. Office supply sales
42. Paint, glass, and wallpaper sales
43. Pets and pet supply sales
44. Photographic studios
45. Places of Worship
46. Plumbing, electrical, and similar supply sales
47. Printing services
48. Private schools: art, dancing, music, business, and driver training
49. Professional offices
50. Public buildings and/or uses which are supported in part by taxes or special public assessments. Such uses include but are not limited to: parks, libraries, schools, fire stations, public administrative offices, and community centers.
51. Radio and television sales and service
52. Restaurants
53. Shoe sales
54. Sporting goods sales
55. Swimming pool sales
56. Taverns
57. Universities
58. Veterinary services with or without kennels provided that any outside animal area is located a minimum of five hundred (500) feet from any residential district.

407.3           **Accessory Uses and Structures**

- a. Signs as regulated in Article 10.
- b. Storage within an enclosed building of supplies and merchandise which are normally carried in stock in connection with a permitted use.
- c. Temporary buildings or uses as regulated in Article 5.



407.4 **Minimum Dimensional Requirements**

As shown in Section 411.

407.5 **General Requirements**

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

- a. Maximum Lot Coverage - The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed fifty (50%) percent of the total area of the lot.
- b. Minimum Open Space - The minimum open space shall be fifty percent (50%) of the total area of the lot.
- c. Building Location - The minimum distance between buildings shall be forty (40) feet.

407.6 **Agricultural Use Exception**

If a user believes that his proposed use of a structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

407.7 **Parking**

As regulated in Section 521.

407.8 **Driveway**

As regulated in Section 521.

**SECTION 408                    INDUSTRIAL DISTRICT (I)**

***INTENT AND PURPOSE***

The purpose of the Industrial District is to provide space for those industrial uses which operate in a clean and quiet manner and generate only light to moderate amounts of traffic. This district is not intended for the use of industries which deal with hazardous elements or emit noise, glare, dust, odor, smoke, or possess other offensive characteristics detrimental to surrounding land. The intent is to create and protect efficient industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities.

**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 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 Plain (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.

**408.2                                *Permitted Principal Uses***

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

- a. Airports as regulated by ODOT aviation department and FAA.
- b. Auto service station.
- c. Automobile repair and painting but no commercial wrecking, dismantling, or salvage yard.
- d. Automotive, tractor, trailer, farm implement assembly or manufacturing.
- e. Boiler shops, machine shops, structural steel fabricating shops, or metal working shops.
- f. Cold storage and frozen food lockers.
- g. Contractor sales, storage and equipment yards.
- h. Fabrication, processing, packaging and/or assembly of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
- i. Fabrication, processing, packaging and/or manufacturing of food products and condiments, excluding slaughter houses and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut.
- j. Flour and grain mills.
- k. Lumberyards including incidental millwork, coal, brick and stone.
- l. Machine shops and tool and die shops.
- m. Manufacturing, assembling or repairing of electrical and electronic products, components, and equipment.
- n. Manufacturing of cement products, including ready-mix concrete batching plants.

- o. Manufacturing of glass products, pottery, figurines or similar products using previously pulverized clay.
- p. Manufacturing and storage of building materials.
- q. Mobile home and recreational vehicle storage.
- r. Parcel post delivery stations.
- s. Public structures and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include but are not limited to: fire stations; police stations; parks, and public maintenance facilities.
- t. Publishing and printing.
- u. Radio and television stations.
- v. Recycling center collection points, provided materials are kept in an enclosed building.
- w. Research and engineering laboratories.
- x. Truck terminals, provided that truck entrances and exits are at least thirty (30) feet in width.
- y. Warehouses and warehouse distribution centers.

408.3                                    **Accessory Uses and Structures**

- a. Signs as regulated in Article 10.
- b. Temporary structures as regulated in Article 5.
- c. Storage of materials within an enclosed building normally utilized in connection with a permitted use.

408.4                                    **Minimum Dimensional Requirements**

As shown in Section 411.

408.5                                    **General Requirements**

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

- a. Maximum Lot Coverage - The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed fifty (50%) percent of the total area of the lot.
- b. Minimum Open Space - The minimum open space shall be fifty percent (50%) of the total area of the lot.
- c. Building Location - The minimum distance between buildings shall be forty (40) feet.

408.6                                    **Agricultural Use Exception**

If a user believes that his proposed use of a structure is agricultural, such user shall describe the proposed use to the Zoning Inspector who, on finding the use to be agricultural, shall make record of such use.

408.7                                    **Parking**

As regulated in Section 521.

408.8                                    **Driveway**

As regulated in Section 521.

**SECTION 409                    MEDICAL USE DISTRICT (MU)**

***INTENT AND PURPOSE***

The purpose of the Medical Use District is to recognize the need of and provide for essential health care and medical treatment facilities. Uses in this district are intended to be minor traffic generators, located on major roads, with minimal depreciation effect on surrounding residential property.

**409.1                            *District Boundaries***

District designations of the Zoning Map notwithstanding, the following parcel is a Medical Use District: Beginning at a point in the centerline of Ravenna Road (S.R. 44) about 2 feet South of its intersection with the centerline of Nantucket Drive, said beginning point being the Southwesterly corner of land conveyed to R.D. Stewart (Volume 731, Page 157); Thence Easterly along the Southerly line of R.D. Stewart about 816 feet to the Easterly line of Munson Township; Thence Northerly along the Easterly Munson Township line about 852 feet to the Northeasterly corner of land conveyed to University Hospitals (Volume 2059, Page 2030); Thence Westerly along the Northerly line of said University Hospitals' land about 820 feet to the centerline of Ravenna Road; Thence Northerly along the centerline of Ravenna Road about 196 feet to the Northeasterly corner of land conveyed to Joseph & Susan DiBlasio (Volume 853, Page 1341); Thence Westerly along the Northerly line of said land conveyed to Joseph & Susan DiBlasio about 750 feet to the Northeasterly corner of Sublot No. 23 in Head of the Meadow Subdivision (Plat Volume 10, Pages 141-142); Thence Southerly along the Easterly line of said Sublot No. 23 and the Easterly line of Sublot No. 25 and an extension thereof about 1089 feet to a point in the Southerly sideline of Nantucket Drive; Thence Easterly along said Southerly sideline about 23 feet to the Northeasterly corner of Sublot No. 1 in said Head of the Meadow Subdivision; Thence Southerly along the Easterly line of said Sublot No. 1 and a Southerly extension thereof about 1506 feet to a point in the Northerly line of Country Oaks Subdivision (Plat Volume 11, Page 86); Thence Easterly along said Northerly line of Country Oaks Subdivision and an Easterly extension thereof about 727 feet to a point in the centerline of Ravenna Road; Thence Northerly along said centerline of Ravenna Road about 1,020 feet to the Southwesterly corner of land conveyed to University Hospitals (Volume 1923, Page 2814); Thence easterly along the Southerly line of said University Hospitals' Land about 815 feet to the Easterly Munson Township Line; Thence Northerly along the Easterly Munson Township line about 295 feet to Northeasterly corner of land conveyed to University Hospitals (Volume 2084, Page 1050); Thence Westerly along the Northerly line of said University Hospitals' land about 815 feet to a point in the centerline of Ravenna Road; thence northerly about 219 to the Place of Beginning.

**409.2                            *Permitted Use***

The permitted use in a Medical Use District is the occupancy; not including actual residency, by State-licensed health professionals devoted to the treatment of human beings, including M.D.'s, D.D.S.'s, chiropractors, and osteopaths.

**409.3                            *Permitted Accessory Uses and Structures***

- a. Accessory signs as regulated in Article 10.
- b. Accessory storage of supplies within an enclosed building which are normally carried in stock in connection with a permitted use.
- c. Temporary structures or uses as regulated in Article 5.

409.4 **Minimum Dimensional Requirements**

As shown in Section 411.

409.5 **General Requirements**

The following development standards are established to control the planning, development and use of land in a Medical Use District.

- a. Maximum Lot Coverage - The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed fifty (50%) percent of the total area of the lot.
- b. Minimum Open Space - The minimum open space shall be fifty percent (50%) of the total area of the lot.
- c. Building Location - The minimum distance between buildings shall be forty (40) feet.

409.6 **Parking**

As regulated in Section 521.

409.7 **Driveway**

As regulated in Section 521.

**SECTION 410 USES NOT SPECIFICALLY MENTIONED**

Any use of land or structures, unless otherwise noted herein as a permitted principal, permitted accessory, or conditional use within any district, shall not be permitted by the Zoning Inspector unless a variance has been granted by the Board of Zoning Appeals. Excluded are carnivals, circuses, tent meetings, bazaars, festivals, art shows, or other similar public events which are permitted activities, not requiring a Zoning Certificate, within any non-residential district and upon Place of Worship, school or similar sites within any residential district. All other zoning regulations apply and such uses shall only be permitted on lots where adequate off-road parking can be provided and shall not be permitted for a period longer than fifteen (15) days.

**ARTICLE 4  
DISTRICT REGULATIONS  
MINIMUM DIMENSIONAL REQUIREMENTS**

**SECTION 411                    MINIMUM DIMENSIONAL REQUIREMENTS**

See charts on this and following page. For the purpose of determining lot sizes, all area calculations shall be exclusive of the area in any public or private road right-of-way.

**Minimum Square Footage Requirements for Structures**

<b>RESIDENTIAL</b>	<b>MINIMUM SQUARE FOOTAGE</b>
One-Story	1600 Square Feet
Two-Story	1800 Square Feet
Multi-Level	1800 Square Feet
<b>COMMERCIAL</b>	1300 Square Feet
<b>INDUSTRIAL</b>	2500 Square Feet
<b>INSTITUTIONAL</b>	2500 Square Feet
<b>MEDICAL</b>	1300 Square Feet

The above measurements are exclusive of garages, porches, breezeways, basements, attics, terraces and decks.

**Minimum Dimensional Requirements**

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	200 ft.	200 ft.	200 ft.	200 ft.	40%
Commercial (C)	See Article 4	2.5 acres	200 ft.	80 ft.	20 ft.; adj. to Res. District 100 ft.	80 ft.	50 ft.; adj. to Res. District 100 ft.	50%
Industrial (I)	See Article 4	5.0 acres	250 ft.	80 ft.	50 ft.; adj. to Res. District 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. District 100 ft.	80 ft.	50 ft.; adj. to Res. District 250 ft.	50%

Notes: \*\* Corner Lot Side Yard is measured from the Road Right-of-Way of the Intersecting Road.

**SECTION 501                    GENERAL PROVISIONS**

The following supplemental regulations are applicable to all Zoning Districts within Munson Township unless otherwise modified by the requirements of a specific Zoning District.

**SECTION 502                    FRONTAGE REQUIRED**

No new lot shall be created nor shall any building or structure be erected upon a lot which does not possess the required minimum frontage upon a public or private road established for the district in which such lot is located.

**SECTION 503                    PRINCIPAL STRUCTURES PER LOT**

No more than one principal structure may be constructed upon any one lot for the purposes of this Resolution. The construction of more than one principal structure upon any one lot shall require the approval of a variance from the Board of Zoning Appeals.

**SECTION 504                    REDUCTION OF AREA OF SPACE**

No lot, yard, court, parking area, or other space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this Resolution and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.

**SECTION 505                    ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS**

All architectural projections shall be in accordance with the following provisions:

- 505.1 Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard a maximum of twenty-four (24) inches.
  
- 505.2 Landings and steps, whose sole function is to provide safe entrance and exit to or from the structure, may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any required yard.

**SECTION 506                    MAXIMUM BUILDING AND STRUCTURE HEIGHT**

Unless otherwise provided for by this Resolution, the height of all buildings (excluding church spires, belfry, clock tower, stage tower, chimneys, antennas, or other mechanical appurtenances usually placed above roof level and not intended for human occupancy) shall be limited to thirty-five (35) feet. There shall be no living space above twenty-eight (28) feet. The height of any structure, other than a building, or of any building together with the above mentioned appurtenances, shall be limited to sixty (60) feet.



**SECTION 507                    PLACES OF WORSHIP**

- 507.1    The minimum lot area shall be in accordance with the regulations affecting the district in which the Place of Worship is located.
- 507.2    Parking as regulated in Section 521.
- 507.3    Adequate screening shall be provided along all property lines bordering residential lots.
- 507.4    Signs as regulated in Article 10.

**SECTION 508                    DRAINAGE**

All district sites shall be graded for proper drainage so that all water is drained to a properly constructed drainage system within the area to avoid drainage upon roads or adjoining property. In all zoning districts an erosion control plan shall be included with the application for a zoning certificate for the construction of all principal permitted, accessory and conditional buildings, structures, uses, and off-street parking, loading/unloading areas allowed by this resolution and any additions thereto on lots less than five (5) acres in size; provided, however, an erosion control plan shall not be required for any principal permitted, accessory or conditional buildings, structures, and off-street parking or loading/unloading areas containing less than three hundred (300) square feet in area. If the lot is five (5) acres or more in area, the applicant shall include with the application for a zoning certificate written documentation from the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted to the Geauga Soil and Water Conservation District and approved for the subject lot.

- 508.1    An erosion control plan shall be prepared by the applicant, a professional engineer registered with the state of Ohio, a soils scientist, or a private contractor and must address temporary and permanent measures for controlling erosion during and following construction. The content of the plan and such temporary and permanent measures to control erosion shall meet all requirements for sediment and erosion control contained within the Geauga Soil and Water Conservation District regulations.
- 508.2    An erosion control plan shall be submitted by the applicant to the Zoning Inspector. The Zoning Inspector shall advise the applicant that the plan may be forwarded by the Zoning Inspector to the Geauga Soil and Water Conservation District for technical assistance and review.
- 508.3    All areas affected by earth disturbing activities on a lot shall be permanently seeded and mulched pursuant to the erosion control plan within one hundred and twenty (120) days after the date an occupancy permit has been issued by the Geauga County Building Department. If said permit is issued between the time period of November 1<sup>st</sup> to April 15<sup>th</sup> of the following calendar year, temporary stabilization measures pursuant to the erosion control plan shall be utilized.

**SECTION 509                      ACCESSORY STRUCTURES**

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

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

509.4                                      Student Bus Stop Shelter

Shall be in conformity with the following provisions:

- a. No student bus stop shelter shall be placed within any public right-of-way.
- b. Should any student bus stop shelter be or become unsafe, unsightly, or be in danger of falling, the owner of the real property upon which the shelter is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such shelter in a safe and secure condition or remove the shelter.
- c. The floor area shall not exceed thirty-two (32) square feet.
- d. The height shall not exceed eight (8) feet.

509.5                                      Fences, Gates, and Walls

Shall be in conformity with the following provisions:

- a. Fences, gates, and walls shall be erected outside of the right-of-way of any public or private road.
- b. Fences, gates, and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
- c. Fences and walls shall be a maximum of four (4) feet in height in any front yard and no more than six (6) feet in height in any side or rear yard, except as otherwise provided herein.
- d. No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.

**SECTION 510                      CORNER LOT YARDS**

In a Residential District, in the case of a lot located at the intersection of two roads, the front yard setback shall be a minimum of eighty (80) feet from the road right-of-way, and the side yard setback adjacent to the intersecting road shall be a minimum of sixty (60) feet from the right-of-way of the intersecting road. For other district corner lot yards see Section 411.

**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 and Medical Use Districts.

**SECTION 512                    REQUIRED TRASH AREAS**

All commercial and industrial uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence adequate in height to screen the containers, if such area is not within an enclosed structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

**SECTION 513                    OUTDOOR STORAGE AND WASTE DISPOSAL**

All outdoor storage and waste disposal shall be in accordance with the following provisions:

- 513.1 Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored indoors only in closed containers constructed of impervious materials.
- 513.2 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

**SECTION 514                    PRIVATE SWIMMING POOLS**

Private swimming pools may be permitted in any district, provided the following provisions are met:

- 514.1 The pool is intended solely for the enjoyment of the occupants and guests of the principal user of the property on which it is located.
- 514.2 The pool must be located on the property so as to conform to the minimum dimensional requirements set forth in Section 411, and may not encroach upon any required front yard, or any required on-site wastewater leaching areas or replacement areas designated by the Geauga County Health Department.
- 514.3 An outdoor in-ground swimming pool shall be surrounded by a barrier or fence, except as may otherwise be provided herein, which shall comply with the following sub-paragraphs a-d:
  - a. not be less than four (4) feet in height and four (4) feet from the pool's edge;
  - b. fencing shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the fencing. Fencing shall be designed to withstand a horizontal concentrated load of two hundred (200) pounds applied on a one (1) square foot area at any point of the fencing; and
  - c. access gates shall comply with the fence requirements of this section, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open

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outward away from the pool, and shall be self-closing and shall have a self-latching device. Gates other than pedestrian access gates shall have a self-closing and self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:

1. The release mechanism shall be located on the pool-side of the gate at least three (3) inches below the top of the gate.
- d. Where a wall of a dwelling serves as part of the barrier, one of the following regulations shall be met:
1. The pool shall be equipped with a power safety cover in compliance with ASTM F 1346-91 and shall be used and in place when the pool is not in use.
  2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017.
- e. Where an above ground pool structure is used as a barrier or where the barrier is a safety cover mounted on top of the pool structure and the means of access is a ladder or steps:
1. The ladder or steps shall be capable of being secured, locked or removed when the pool is not in use to prevent access.
  2. When the ladder or steps are secure, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.

514.4 A Zoning Certificate shall be required prior to the construction of all pools except storable pools; however, storable pools shall require a Zoning Certificate in any of the following situations:

- a. If the pool remains assembled for a period greater than seven (7) consecutive months.
- b. If the pool is set into the ground, regardless of its size and/or depth.
- c. If a deck is built adjacent to the pool.
- d. If permanent connections are made for the filter and/or heater. Where electrical and/or plumbing work is required incidental to any pool construction, all applicable county permits shall be required.

514.5 No swimming pool shall be constructed so as to allow water to drain into any sanitary sewer or septic tank, not to overflow upon or cause damage to any adjoining lot.

514.6 Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

**SECTION 515**                    **DRIVE-IN SERVICE**

Establishments, which by their nature create lines of customers waiting to be served within automobiles, shall provide off- road waiting spaces in accordance with the following requirements:

515.1 Photo pick-ups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) waiting spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of five (5) waiting spaces for each such stopping point.

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515.2 Commercial establishments which require a transaction time in excess of three minutes such as banks, savings and loan offices, or other similar money windows shall provide no less than seven (7) waiting spaces per window.

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

516.1                      Construction Equipment Within Residential Districts

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

516.2                      Other Vehicles

- a. Outdoor storage or parking of recreational vehicles shall be permitted within any Residential District; however, more than one (1) boat and one (1) recreational vehicle shall be prohibited. Any such boat or recreational vehicle shall not be 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 lot line.
- b. The parking or storage of commercial tractors as defined in O.R.C. Section 4501.01(D) or as amended, semitrailers as defined in O.R.C. Section 4501.01(P) or as amended, or any vehicle having a gross vehicle weight (gvw) of twenty-five thousand (25,000) pounds or more, other than for the purpose of making temporary delivery or service calls, shall be prohibited outside of a fully enclosed building in any residential zoning district. In all other nonresidential zoning districts, such commercial tractors, semitrailers, or vehicles with a gvw of twenty-five thousand (25,000) pounds or more shall not be parked or stored in front of the principal building on a lot unless they are within a driveway, parking or loading/unloading area pursuant to Section 521 and shall be set back from all lot lines in accordance with the regulations for the zoning district in which they are located.

516.3                      Junk Vehicles

Outdoor storage or parking of junk vehicles shall not be permitted within any district.

**SECTION 517                      JUNK**

The purpose of this section is to promote the health, safety, and welfare of Munson Township by among other things, eliminating environments for breeding of vermin, rodents, insects, and infestations. Junk, or its storage, shall not be permitted in any district.

**SECTION 518                      DEBRIS ON ROADS**

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

**SECTION 519                      TEMPORARY USES**

The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a Temporary Zoning Certificate shall be made to the Zoning Inspector containing a comprehensive and detailed plan, submitted when application is made, which includes a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

519.1                      *Temporary Offices*

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

519.2                      *Temporary Mobile Home*

The temporary placement of a mobile home upon a lot which already contains a residential structure may be permitted where the Zoning Inspector finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Inspector, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Zoning Certificate under this section must produce a written statement from the Geauga County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such certificate may be initially issued for nine (9) months, renewable for up to three (3) months' time for all certificates, not exceeding a total of twelve (12) months.

519.3                      *Temporary Storage Containers*

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

519.4                      *Garage Sales*

Garage sales, which for purposes of this section shall include yard sales, barn sales, tent sales and similar activities, may be permitted within any district. Any individual, family and community organizations may conduct such sales for no more than five (5) consecutive days. No Zoning Certificate is required.

**SECTION 520                      HOME OCCUPATIONS**

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

Home Occupations shall not:

- a. Employ anyone not a member of the resident family;
- b. Produce unreasonable and excessive noise, smoke, dust, heat, odor, or vibration that could have an adverse effect upon the surrounding neighborhood;
- c. Offer for sale on the premises material products not produced by such Home Occupation;
- d. Present outward evidence of such use, including but not limited to signage;
- e. Operate any business that offers or provides lodging to the general public for compensation;
- f. Operate in violation of any federal, state or local laws or regulations

**SECTION 521                      GENERAL REQUIREMENTS FOR PARKING, AND LOADING/UNLOADING SPACES**

- a. Adequate parking and Loading/Unloading Spaces in accordance with this Resolution shall be provided at the time any building, structure or use is located, erected, constructed, reconstructed, enlarged, or structurally altered, or any use is changed.
- b. All parking and Loading/Unloading Spaces shall be located totally outside of the right-of-way of any public or private road.
- c. All parking and Loading/Unloading Spaces shall be located on the same lot as the use to be served, unless otherwise specified herein.
- d. All parking and Loading/Unloading Spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways, and roads.
- e. All parking and Loading/Unloading Spaces together with driveways, aisles, and other circulation areas shall be improved with such material to provide a durable all-weather and dust-free surface such as concrete or asphalt.
- f. The owner of the property used for parking and Loading/Unloading Spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
- g. All parking and Loading/Unloading Spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or Loading/Unloading Space shall be so arranged as to reflect the light away from the adjoining property or roads, and shall be in accordance with the lighting regulations for the zoning district in which located.
- h. All hard-surfaced parking lots shall be striped between spaces to facilitate the movement into or out of parking spaces with a capacity of ten (10) or more.
- i. All parking lots and Loading/Unloading Spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and Loading/Unloading Spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and Loading/Unloading Spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.

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- j. All entrances and exits to a parking lot shall be clearly delineated by appropriate directional signage and/or pavement markings. Interior vehicular circulation patterns shall be delineated by appropriate directional signage and/or pavement markings. Driveways providing access to a parking lot and aisles delineating interior circulation patterns within a parking lot shall maintain the following minimum standards:
  - 1. For one-way traffic the minimum width of access driveways and aisles shall be fourteen (14) feet.
  - 2. Driveways and aisles for two-way traffic shall have a minimum width of twenty-four (24) feet.
  - 3. There shall be no more than two points of ingress/egress per lot from a road to a parking lot and such points of ingress/egress shall be spaced a minimum of one-hundred (100) feet apart, measured from the centerline of each driveway in a perpendicular fashion.
- k. Parking may be located within any front, side, or rear yard, subject to all minimum setbacks, except parking may be permitted no closer than fifty (50) feet from a front or side road right of way. Loading/unloading spaces shall be located to the side or rear of the building or structures they serve, and shall not be located within any front yard.
- l. Whenever a parking lot and/or Loading/Unloading Space is located in or adjacent to a residential district or use, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall or fence, shall be not less than six (6) feet nor more than eight (8) feet in height upon installation and shall be maintained in good condition. Planting screens shall be a minimum of six (6) feet in height upon installation, deer resistant evergreens and planted so as to provide greater than fifty percent (50%) of coverage adjacent to the residential use. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped and maintained in good condition.

521.1                                      Number of Parking Spaces Required

In all zoning districts where permitted in this Resolution the number of parking spaces provided shall be in accordance with the following schedule of requirements:

USE	PARKING SPACE REQUIRED
Single Family Dwelling Unit	Two (2) per dwelling
Places of Worship or Public Assembly	One (1) for each four (4) seats
Schools, Primary/Child Day Care Center	One (1) for every eight (8) students
Schools, High School, College	One (1) per three (3) students
Golf Course	Five (5) for each hole
Hospital	One (1) for each two (2) beds
Restaurants	One (1) for each three (3) seats
Commercial Facility	One (1) for each 250 sq. ft. of floor area
Industrial Facility	One (1) for each 500 sq. ft. of floor area
Office Facilities	One (1) for each 300 sq. ft. of floor area
Medical/Dental Offices	One (1) for every 150 sq. ft. of floor area
Hotels/Motels	One (1) per rental unit
Licensed Residential Facilities	One (1) for each two (2) beds



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521.2                            Size of Parking Spaces

The width of a parking space shall be a minimum of ten (10) feet and the length shall be a minimum of twenty (20) feet. The total area of a parking space shall be a minimum of two hundred (200) square feet.

521.3                            Number of Loading/Unloading Spaces Required

For commercial and industrial uses permitted in this Resolution shall have at least one Loading/Unloading Space for each use.

521.4                            Size of Loading/Unloading Spaces

The width of a Loading/Unloading Space shall be a minimum of twenty (20) feet and the length shall be a minimum of fifty (50) feet. The total area of a Loading/Unloading Space shall be a minimum of one thousand (1000) square feet.

521.5                            Determination of the Number of Parking, Loading/ Unloading Spaces Required

- a. The collective provision of parking and Loading/Unloading Spaces for two or more uses may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this Resolution.
- b. Whenever a lawfully existing building, structure, or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, additional parking and Loading/Unloading Spaces shall be provided on the basis of the floor area of such enlargement, reconstruction, or structural alteration.
- c. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number.

521.6                            Handicapped Parking

Off- road parking spaces serving buildings and uses required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with applicable federal, state, or other local codes.

**SECTION 522                    FIRE DEPARTMENT WATER RESOURCE**

522.1 For the purpose of protection of public safety, the real property owner(s) within platted subdivision(s) having a road serving the buildings, structures, and uses within said subdivision shall provide for or demonstrate the existence of an acceptable fire department water resource (see Section 202). This fire department water resource is to be located so that no lot within the subdivision is further than one and one-half (1-½) miles by road from said water resource. If all lots within a platted subdivision are within one and one-half (1-½) miles by road from an existing acceptable water resource, then no new water resource need be installed within said subdivision.

- a. A dry hydrant installation shall conform to Soil Conservation Engineering standard 235 (dry hydrant assembly). This standard is available from the Munson Fire Department.

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- b. Location of a dry hydrant connection shall be within ten (10) feet of a hard surface access to a public or private road or driveway. The hard surface access shall have a minimum width of fifteen (15) feet. The dry hydrant shall not be located within a public road right-of-way.
  - c. The affected property owners shall maintain year round any private road or driveway connecting a Fire Department water resource and dry hydrant.
  - d. The owner(s) of affected lots shall grant a permanent easement to Munson Township allowing access to a dry hydrant and water resource.
- 522.2 Detailed plans for the design of the fire department water resource shall be reviewed by the Township Zoning Inspector, the Munson Fire Department, and the Geauga Soil and Water Conservation District at the same time that the owner submits plans for soil erosion and drainage for their approval, in accordance with the *memorandum of understanding* between Munson Township and the Geauga Soil and Water Conservation District. Notice of approval of the plans for the water resource shall be forwarded to the Township Zoning Inspector by the Geauga Soil and Water Conservation District and the Munson Fire Department. The Township Zoning Inspector shall not issue any zoning certificate for a building, structure, or use within the subdivision nor sign the final plat for the subdivision until such notice of approval is received.
- 522.3 In order to assure compatibility of a Dry Hydrant with the equipment of the Munson Fire Department, plans for the dry hydrant installation shall be submitted to the Township Zoning Inspector who, upon consultation with the Munson Fire Department Fire Chief or his designate, shall approve or deny the installation plans. No Zoning Certificate shall be issued for any building, structure, or use within the subdivision until the Township Zoning Inspector has granted approval of the actual dry hydrant installation.

**SECTION 523                      MANUFACTURED HOMES**

Manufactured homes shall conform with the following:

- A. A Manufactured Home shall be permanently sited on a lot and shall:
  - 1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995 and
  - 2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home, and
  - 3. Be exclusive of any addition having a width of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and
  - 4. Have a minimum (A) roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eaves overhang, including appropriate guttering; and
  - 5. Be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities; and
  - 6. Conforms to all residential district regulations for the district in which it is located.
- B. In addition to the above requirements, the owner shall:

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1. Surrender the title to the Manufactured Home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

**SECTION 524                      CARE CENTERS**

524.1                              Child Day-Care Center

Type B family day-care home and Type B home – a permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two (2) years of age at one time and as defined in O.R.C. Section 5104.01 (VV) or as amended.

524.2                              Licensed Residential Facility

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

**SECTION 525                      EXTERIOR LIGHTING**

525.1                              General requirements for exterior lighting in all districts:

- a. All new or replacement sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from perimeter lot lines and toward the principal building, structure, or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at two thousand five hundred (2,500) lumens or more shall be of the full cutoff type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff as defined in this resolution.
- b. Up-lighting for buildings, structures, and landscaping is not permitted unless utilizing a shielded lighting fixture.
- c. Lighting of governmental flags is exempt.
- a. Sign lighting shall comply with all applicable provisions in this resolution. Exterior lighted signs shall utilize shielded fixtures from which direct light is not emitted beyond the boundaries of the sign.

525.2                              Exceptions to Section 525.1 are:

- a. All exterior lighting fixtures with a combined output of less than two-thousand five hundred (2,500) lumens per fixture.
- b. Lighting fixtures producing light directly by the combustion of fossil fuels, such as natural gas or kerosene.
- c. Temporary lighting including holiday lighting or emergency lighting.

**SECTION 526                      FREESTANDING SOLAR ENERGY PANELS AND ARRAYS**

526.1      Freestanding Solar Energy Panels and/or Arrays may be permitted in any district, provided the following provisions are met:

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- a. The number of Freestanding Solar Energy Panels and/or Arrays permitted in any district shall encompass no more than twenty percent (20%) of the total area of the lot upon which the panels and/or arrays are installed.
- b. Freestanding Solar Energy Panels and/or Arrays shall not be located in front of a principal structure in a Residential District
- c. A freestanding Panel and/or Array shall be no higher than thirty-five (35) feet from ground level.
- d. All panels and/or arrays shall comply with the minimum setback requirements for the zoning district in which they are located.
- e. An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
- f. Freestanding Solar Energy Panels and/or Arrays shall have a ground installed, a storage battery, and/or a secured cover in place over each light gathering panel for safety reasons.
- g. All freestanding Solar Energy Panels and/or Arrays shall be able to withstand wind velocities of no less than one-hundred fifteen (115) MPH.

**SECTION 527                      ROOF AND WALL INSTALLED SOLAR PANELS**

- 527.1 All Roof or Wall Installed Solar Panels shall require a Zoning Certificate prior to installation.
- 527.2 An application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector on forms provided by the Zoning Inspector.
- 527.3 All Roof or Wall Installed Solar Panels or multiples of these shall have a ground installed, a storage battery, and/or a secured cover in place over each light gathering panel for safety reasons.

**SECTION 528                      DECOMMISSIONING**

- a. The owner of the Panels and/or Arrays shall keep all equipment functional and in good order. When a panel and/or array ends its useful life, the owner of the panel and/or array shall remove the panel(s) and/or array(s) within one-hundred eighty (180) days from the date on which the system last functioned, unless the Applicant produces evidence of mitigating circumstances. The cost and expense of removal shall be borne by the owner.
- b. Solar Energy Panels and/or Solar Energy Arrays will be dismantled using best management practices. Non-panel and/or array components such as foundations, anchor bolts, rebar, conduit, construction pads, and other subsurface components to be removed to a minimum of thirty-six (36) inches below grade. Items not known to be harmful to the environment buried greater than thirty-six (36) inches below grade may be left in place at the applicant's discretion. Once removal is complete, the excavation will be backfilled with material of quality soil comparable to the immediate surrounding area. The disturbed soils of the site will be rehabilitated including appropriate grading and reseeding of the area.

**ARTICLE 6  
PROHIBITED USES**

**SECTION 601                    INTENT AND PURPOSE**

Uses not permitted in any district are set forth in this Article.

**SECTION 602                    EXPLOSIVES AND FIREWORKS**

The storage or sale of explosives or fireworks is prohibited except storage for use on premises within thirty (30) days provided storage is no closer than one hundred (100) feet to any other building and such storage is not accessible to children.

**SECTION 603                    JUNKYARDS**

Any use as a junkyard or for automobile or truck salvaging operation is prohibited.

**SECTION 604                    TRAILER CAMPS OR PARKS**

The commercial operation of trailer camps or parks is prohibited.

**SECTION 605                    HABITATIONAL USE**

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

**SECTION 606                    BUILDING MATERIAL**

The storage or accumulation of building materials on a vacant lot is prohibited unless a Zoning Certificate for construction on such lot has been issued.

**SECTION 607                    INCINERATION OR REDUCTION**

The incineration or reduction of garbage, refuse, offal or dead animals is prohibited except as such disposal is normal to a use otherwise permitted by this Resolution, and such disposal shall not create offensive odors or be attractive to rodents.

**SECTION 608                    INOPERABLE OR JUNK VEHICLES**

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

**SECTION 609                    WAR AND SURVIVAL GAMES**

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

**SECTION 610                    OBJECTIONABLE USES**

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

**SECTION 701 INTENT AND PURPOSE**

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

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property. See O.R.C. 519.19 or as amended.

**SECTION 702 NONCONFORMING LOTS**

All nonconforming lots shall be subject to the following provisions:

**702.1 Single Nonconforming Lots**

In any district a permitted building, structure or use may be located, erected, constructed, reconstructed or structurally altered on any lawfully existing nonconforming lot of record provided the requirements of this resolution are met with the exception of minimum lot area and/or frontage. Any legally permitted building or structure erected prior to the effective date of adoption or amendment of this Resolution that is destroyed by any means may be reconstructed in the same footprint, or less, within two (2) years.

**SECTION 703 NONCONFORMING USES OF LAND**

Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- 703.1 No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 703.2 Any nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption or amendment of this Resolution, but no use shall be extended to occupy any land outside such building.
- 703.3 No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.

**ARTICLE 7  
NONCONFORMITIES**

703.4 If any such nonconforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

703.5 ***Solid Mineral Extraction Operations***

Notwithstanding anything in this section to the contrary, any solid mineral extraction operation that constitutes a nonconforming use hereunder may be extended to the duly recorded boundaries of any contiguous parcel owned by the mineral extraction operator as of the date of adoption of this Resolution.

**SECTION 704 NONCONFORMING STRUCTURES**

Nonconforming structures shall not be subject to the requirements concerning structures contained in this Resolution, except as follows:

- 704.1 No such nonconforming structure may be enlarged, altered, or reconstructed in a way which increases its nonconformity within the minimum dimensional requirements of Section 411, but any structure or portion thereof may be altered to decrease its nonconformity;
- 704.2 Should a legal nonconforming structure or legal nonconforming portion of a structure on any conforming lot of record in a Residential District be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution, unless such structure or portion of a structure was erected prior to the effective date of adoption or amendment of this Resolution and reconstructed in the same footprint, or less, within two (2) years.
- 704.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
- 704.4 Nothing contained herein shall be construed to prevent the performance of ordinary repairs on any nonconforming structure or portion thereof, including without limitation the repair or replacement of internal walls, fixtures, wiring or plumbing. However, the repair or modification shall not increase the specific property (height, location, square footage, etc.) which led to the initial nonconformity. Any addition or modification which, by itself, would conform to the present Zoning Resolution may be added to the structure without increasing the nonconformity of the structure.
- 704.5 Upon the order of any official charged with protecting the public safety, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by such official.
- 704.6 Any nonconforming structure, the use of which is voluntarily discontinued or abandoned for more than two (2) years shall not thereafter be used for any purpose unless the structure conforms to all requirements of these regulations or a variance therefrom has been granted by the Board of Zoning Appeals.

**SECTION 801                    CONDITIONAL ZONING CERTIFICATES**

Conditional uses shall be permitted only upon issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals to at least one owner of the property.

801.1                            ***Application***

Written application for a conditional zoning certificate shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the owner or his/her designated agent, attesting to the truth and accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, standpipes, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

801.2                            ***Conditional Use Standards***

Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with the adjoining area and the proposed character of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, and drainage structures;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 8;
- h. Adequate off-road parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting roads;



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CONDITIONAL USES**

- i. The use conforms with all applicable regulations governing the district in which it is located;
- j. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- k. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.
- l. Conditional uses shall be limited to, and must be implemented in accord with Sections 802-807.
- m. A conditional zoning certificate shall not be transferred or assigned, except for single family dwellings and accessory buildings and structures thereto, within the Flood Prone District.
- n. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five years from the date of issuance, except for single family dwellings and Places of Worship within the Flood Prone District.
- o. The conditional use shall be void upon change of ownership or use unless a new application is made for such a certificate within thirty (30) days after change of ownership or use. The conditional zoning certificate shall be limited to whom it is originally issued and is not transferable.
- p. Signs as regulated in Article 10.

**SECTION 802                      *SKIING FACILITIES***

Skiing facilities may be permitted as a conditional use within all districts upon compliance with Sections 801, 802.1-802.11 and all other applicable sections of this Resolution.

**802.1                              *Accessory Uses***

The following accessory uses are permitted on property for which a conditional zoning certificate has been granted for a skiing facility:

- a. A clubhouse which may contain amenities customarily associated with such a use such as locker, shower or snack bar.
- b. A pro-shop for the retail sale of merchandise customarily associated with such a use.
- c. Accessory structures for the storage and servicing of equipment needed for the operation.
- d. Accessory recreational facilities such as a swimming pool, and fishing pond or stream.
- e. Ski lifts or similar and associated equipment needed to transport skiers up the slope.

**802.2                              *Setback Requirements***

The minimum setback requirement of a structure shall be two hundred eighty (280) feet from the centerline of a public road, and three hundred (300) feet from any other lot line.

**802.3                              *Building Height***

The maximum height of any building shall be thirty-five (35) feet, and a building shall not exceed two (2) stories.

802.4 **Off-Road Parking Spaces**

The facility shall provide sufficient parking to accommodate all employees and users of the facility. Such parking spaces or areas shall also comply with the following:

- a. Any extremity of such space or area shall be set back one hundred (100) feet from the nearest lot line.
- b. Such parking area or spaces shall be maintained in good condition, and treated to avoid dust problems to nearby property owners as needed.

802.5 **Access**

Access roads or drives to or from a public road shall be located and constructed so as to minimize impediment to normal traffic flow, and the center of any such access road or drive shall be at least two hundred (200) feet from a lot line or intersecting road. The first one hundred (100) feet of such access road or drive shall be surfaced with concrete, asphaltic concrete, or similar surfacing material and maintained in good condition.

802.6 **Screening**

In the absence of existing barriers such as creeks, public roads, wooded areas or sufficient open space, fences or natural barriers such as hedges, shrubs or evergreens shall be provided to provide protection to adjoining property owners. Barbed wire fences are prohibited for this purpose.

802.7 **Snowmaking**

Snowmaking shall be by use of surface water only. Use of water from dug or drilled wells for snowmaking purposes is prohibited.

802.8 **Wastewater**

Disposal of water and sewage related to skiing use shall meet the standards set by the Geauga County Board of Health and/or the Environmental Protection Agency.

802.9 **Drainage**

Drainage of the land used as a skiing facility shall meet the approval of the Geauga County Engineer and Sanitary Engineer.

802.10 **Lighting**

All lighting on a skiing facility shall be located and/or shielded so as not to pose a hazard to vehicles on any road or a nuisance to nearby property owners.

802.11 **Change of Use**

If any part of the recreational acreage is sold or used for other than recreational purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the district in which such parcel is located.

**SECTION 803                      GOLF COURSES**

Golf courses may be permitted as a conditional use within all districts upon compliance with Sections 801, 803.1- 803.8 and all other applicable sections of this Resolution.

**803.1                                      Accessory Uses**

The following accessory uses are permitted on property for which a conditional zoning certificate has been granted for a golf course.

- a. A clubhouse which may contain amenities customarily associated with such a use such as locker, shower, health bath, snack bar, or restaurant facilities.
- b. A pro-shop for the retail sale of merchandise customarily associated with such a use.
- c. Accessory structures for the storage and servicing of equipment needed for the operation of a golfing facility.
- d. Accessory recreational facilities such as a driving range, tennis, paddleball or handball courts, swimming pool, and fishing.

**803.2                                      Setback Requirements**

The minimum setback requirement of a structure shall be two hundred eighty (280) feet from the centerline of a public road, and three hundred (300) feet from any other lot line.

**803.3                                      Building Height**

The maximum height of any building shall be thirty-five (35) feet, and a building shall not exceed two (2) stories.

**803.4                                      Off-Road Parking Spaces**

The facility shall provide sufficient parking to accommodate all employees and users of the facility. Such parking spaces or areas shall also comply with the following:

- a. Any extremity of such space or area shall be set back one hundred (100) feet from the nearest lot line.
- b. Such parking area or spaces shall be maintained in good condition, and treated to avoid dust problems to nearby property owners as needed.

**803.5                                      Access**

Access roads or drives to or from a public road shall be located and constructed so as to minimize impediment to normal traffic flow, and the center of any such access road or drive shall be at least two hundred (200) feet from a lot line or intersecting road. The first one hundred (100) feet of such access road or drive shall be surfaced with concrete, asphaltic concrete or similar surfacing material and maintained in good condition.

803.6                    **Screening**

In the absence of existing barriers such as creeks, public roads, wooded areas or sufficient open space, fences or natural barriers such as hedges, shrubs or evergreens shall be provided to provide protection to adjoining property owners. Barbed wire fences are prohibited for this purpose.

803.7                    **Golf Course**

Design and or use as a golfing facility shall comply with the following provisions:

- a. The edge of a green shall be set back at least two hundred (200) feet from the centerline of any public road or any adjoining property line. The centerline of a fairway starting from a tee nearer than two hundred (200) feet to a road or adjoining property line shall be at an angle of not less than forty-five (45) degrees to the road or adjoining property line. Having attained a separation of two hundred (200) feet from adjacent property lines, the centerline of a fairway may not come within two hundred (200) feet of any other public road or property line or come within three hundred (300) feet of any building.
- b. Watering of greens, fairways, and tees shall be by use of surface water only. Use of water from dug or drilled wells for watering purposes is prohibited.
- c. Disposal of water and sewage related to golfing use shall meet the standards set by the Geauga County Board of Health and/or the Environmental Protection Agency.
- d. **Drainage** of the land used as a golfing facility shall meet the approval of the Geauga County Engineer and Sanitary Engineer.
- e. **Lighting** - All lighting on a golfing facility shall be located and/or shielded so as not to pose a hazard to vehicles on any road or a nuisance to nearby property owners.

803.8                    **Change of Use**

If any part of the recreational acreage is sold or used for other than recreational purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the district in which such parcel is located.

**SECTION 804                    SOLID MINERAL EXTRACTION OPERATIONS**

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

804.1    A solid mineral extraction operation shall have a minimum area of four hundred (400) contiguous acres in the same ownership.

804.2    All conditional use applications for solid mineral extraction operations within Munson Township shall be accompanied by the following information, at a minimum:

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- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts;
  - b. A map at a scale of at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property;
  - c. Name and address of the applicant, including all partners and officers of the corporation;
  - d. Name and address of the owner of the surface rights of the property;
  - e. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation;
  - f. A list of the types of resources or minerals to be extracted;
  - g. The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required;
  - h. A study of the anticipated depth of excavations and the probable effect on the existing water table conducted by a qualified professional engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply;
  - i. The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation;
  - j. A general description of the equipment to be used for excavating, processing, and/or transporting excavated mineral resources;
  - k. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site;
  - l. A plan for the rehabilitation and reclamation of the excavated area as specified in Section 804.15; and
  - m. Any other information the Board of Zoning Appeals may deem necessary in order to insure that the proposed extraction operation will not be hazardous to surrounding land uses and the community in general.
- 804.3 All proposed solid mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources, prior to the commencement of mineral extraction operations.
- 804.4 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- 804.5 The location of any storage or processing activities upon the site shall be subject to approval by the Board of Zoning Appeals because of possible detrimental external effects such as air or water contamination. All such activities shall be naturally or artificially screened from an existing dwelling unit, or any residentially zoned property.
- 804.6 Mineral extraction operations may not be conducted:
- a. Within one hundred (100) feet of any adjoining lot line.
  - b. Within two hundred (200) feet of a dwelling located in other than a residential district.
  - c. Within three hundred (300) feet of a dwelling located in a residential district.

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- 804.7 Temporary access roads shall not be located closer than two hundred (200) feet from an existing dwelling.
- 804.8 Structures designed and constructed exclusively for solid mineral extraction, storage, or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the Conditional Zoning Certificate.
- 804.9 The operator shall maintain complete records on a daily basis of all blasting operations including records of the time, the date, the location, and complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request.
- 804.10 All solid mineral extraction operations shall be located at least one hundred (100) feet from the right-of-way line of any existing or platted road, highway or railway.
- 804.11 Banks shall be graded to a level suiting the existing terrain and planted with native trees, shrubs, or grasses.
- 804.12 Whenever the floor of a quarry is greater than five (5) feet below the average grade of an adjacent public road or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals when the application for the Conditional Zoning Certificate is made. Such mound shall be located twenty-five (25) feet or more from any road right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- 804.13 When any quarrying has been completed, such excavated area shall either be left as a permanent spring-fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.
- 804.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, no applicant shall be granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided unless they shall furnish a reclamation plan. A performance bond running to the Fiscal Officer of Munson Township, Geauga County, Ohio, may also be required by the Board of Zoning Appeals. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a time period set forth by the Board of Zoning Appeals meet the requirements of this section.

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- 804.15 The reclamation plan for the extracted area shall contain all the information required by Ohio Revised Code 1514.02 (A) (8), and in addition shall contain the following information:
- a. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than eighteen(18) inches.
  - b. The slope of all earthen banks, which shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater slope existed, the slope shall be no greater than that which existed at the commencement of excavation.
  - c. The slope of all banks consisting of rock and the required cover.
  - d. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such slopes are not physically or economically feasible to reduce.
  - e. The number of trees and shrubs, and the type of ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, to plant shall be determined in consultation with the Geauga County Agricultural Extension Agent.
  - f. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Geauga County Planning Commission, the County Engineer, the Sanitary Engineer, and the Zoning Inspector.
  - g. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of native grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
  - h. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet.

**SECTION 805                      COMMERCIAL RECREATIONAL FACILITIES**

All commercial recreational facilities other than those specifically described elsewhere in Section 805 shall be limited to Commercial Districts and shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

- 805.1 Community swimming pools may be permitted provided the following conditions are met:
- a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened. Such screening shall be subject to approval by the Board of Zoning Appeals.
  - b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition.
- 805.2 All commercial recreational facilities shall be in accordance with the following:
- a. Loudspeaker, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance within any district.
  - b. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.

805.3                    **Off-Road Parking Spaces**

The facility shall provide sufficient off-road parking to accommodate all employees and users of the facility. Such parking spaces or areas shall also comply with the following:

- a. Any extremity of such space or area shall be set back one hundred (100) feet from the nearest lot line.
- b. Such parking area or spaces shall be maintained in good condition, and treated to avoid dust problems to nearby property owners as needed.

**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.

806.2 The Board of Zoning Appeals shall give the approval referred to in subsection 806.1 only upon receipt of acceptable documentation and the owner's certification that:

- a. The structure will be flood-proof.
- b. The structure and related grade changes shall not restrict the flow or substantially raise the pre-development elevation of the flood-water as determined by the Board of Zoning Appeals and Federal Emergency Management Agency.
- c. The structure and use of the land will conform to all other restrictions the Board of Zoning Appeals may impose, which shall include at a minimum, the criteria set forth in Section 405.

**SECTION 807                    SEXUALLY ORIENTED BUSINESSES**

Sexually Oriented Businesses may be permitted as a conditional use within an Industrial District upon compliance with Sections 801 and 807 and all other applicable sections of this Resolution.

807.1                    **Conditions for Adult Oriented Businesses**

An adult oriented business shall be subject to the procedure for conditional zoning certificates as set forth in Section 801 of this resolution. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution.

- a. An adult oriented business shall be conducted within a fully enclosed building.
- b. Management personnel shall be present at all times when an adult oriented business is open for operation.
- c. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district; fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business.



- d. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and morals as determined by the board of zoning appeals.

807.2            ***Intent and Purpose***

It is the intent of this resolution to designate areas where sexually oriented businesses may be located in order to promote the health, safety, and morals of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the township. The provisions of this resolution do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.

807.3            ***Classifications***

Sexually oriented businesses are classified as follows:

- a. Adult arcades
- b. Adult media stores
- c. Adult cabarets
- d. Adult motion picture theaters
- e. Adult theaters
- f. Nude model studios

807.4            ***Location***

Sexually oriented businesses shall be located only in accordance with the conditions contained below.

- a. Sexually oriented businesses shall be located only in those areas that are zoned as I-Industrial District as defined in Section 408.1 of this zoning resolution.
- b. No sexually oriented business shall be established within five hundred (500) feet of:
  - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - 2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, junior high schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of five hundred (500) feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - 3. A boundary of a residential district as defined in the Munson Township Zoning Resolution;
  - 4. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts,

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pedestrian/bicycle paths, wilderness areas, or other similar publicly-owned land within the township under the control, operation or management of either the township or some other public entity;

5. No sexually oriented business may be established within five hundred (500) feet of a residentially used lot.
- c. No sexually oriented business may be established, operated or enlarged within three hundred (300) feet of another sexually oriented business. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the portion of the building or structure in which each business is located.
- d. Not more than one sexually oriented business shall be established or operated in the same building, structure, or portion thereof and the floor area of any sexually oriented business in any building, structure, or portion thereof containing a sexually oriented business may not be increased.
- e. For the uses referenced in Section 807.4b 1-5, measurement shall be made at the road right-of-way from the lot line to the lot line of the sexually oriented business.

807.5

***Regulations***

- a. Minimum dimensional requirements for sexually oriented businesses are those specified for the I-Industrial District in Section 411 of this zoning resolution.
- b. Maximum building and structure height as regulated in Section 506.
- c. Parking requirements as regulated in Section 521.

807.6

***Sign Regulations***

- a. Signs as regulated in Article 10.
- b. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the outside of the building.

**SECTION 808**

***PLACES OF WORSHIP***

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



**ARTICLE 9  
WIRELESS TELECOMMUNICATIONS TOWERS**

**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. Only a free-standing monopole, or a lattice wireless tower construction is permitted including when mounted to a building or structure.
- 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.

- 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 wireless telecommunications tower and appurtenant facilities may be permitted in the Commercial, Industrial, Institutional and Medical zoning district(s).

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- 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.

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- 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.

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- 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.

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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.

**901.3 Fees**

In addition to general application fees for a zoning certificate, the applicant for a wireless telecommunications tower and appurtenance facilities shall be responsible for all expenses



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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.

901.4

***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 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 nonresidentially 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

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

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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.

901.5

***Site Plan***

In addition to the information required by this Resolution for an application for a Zoning Certificate, the site plan for a wireless telecommunications tower and appurtenant facilities shall include the following items.

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

The intent of this article is to provide a comprehensive system of sign regulation for Munson Township that recognizes the necessity and desirability of communication by outdoor signs while promoting an order to signage which eliminates visual clutter and confusion within the physical environment. The purpose of this article is to protect the safety and general welfare of the public within the Township by encouraging compatibility between the design and functional nature of the sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe structures.

**SECTION 1002                    ZONING CERTIFICATE**

With the exception of Sections 1003.4, 1003.6(a) and 1003.8 no sign of any kind, the area of which exceeds 2.25 square feet, shall be erected in the township unless and until the person responsible for erecting the sign has applied for, and the Zoning Inspector has issued a certificate for the sign pursuant to Article 12.

**SECTION 1003                    GENERAL PROVISIONS**

The general provisions relating to signs, their use, illumination and location in any district follow:

1003.1                            **Measurement of Sign Area**

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

1003.2                            **Measurement of a Ground Sign Height**

The height of a ground sign shall be measured from the average finished grade level adjacent to the base of the sign, and vertically to the highest point of such sign including frames and structural members. Sign height shall not exceed six (6) feet.

1003.3                            **Location**

No sign shall be located closer than five (5) feet from a front lot line or within twenty-five (25) feet of any other lot line, with the exception of Sections 1003.6(a) and 1003.8.

1003.4                            **Real Estate**

Real estate signs shall be limited to two (2) per principal building or structure or two (2) per parcel of land. No Real Estate sign shall be greater than six (6) square feet per sign face.

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

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

- a. Each commercial, industrial, institutional or medical complex may be permitted the following signs on the premises:
  1. One (1) wall sign, per business entity, which shall have a maximum area of forty (40) square feet, and
  2. One (1) ground sign, which shall have a maximum area of twenty (20) square feet per sign face and shall be no higher than six (6) feet as defined in Section 1003.2.
- b. Commercial, industrial, institutional or medical premises which has both frontage and an access driveway on a second road may have a second ground sign provided such sign is located on the second street frontage and that it complies with the height and area provisions of Subsection (a) hereof.
- c. One (1) of the signs permitted in subsections (a) or (b) may be an electronic changeable sign subject to conformance with the provisions of Section 1003.7.
- d. All permitted signs may be illuminated. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.
- e. Pursuant to Section 1005 and upon any change of business entity as set forth in the first paragraph hereinabove, all existing conforming and nonconforming signs shall be subject to and be in conformity with all current requirements of this resolution.

1003.6                    **Temporary Signs**

Temporary signs not previously mentioned in this section intended to draw attention to a particular activity shall be removed within three (3) days following the activity. Not more than one (1) on-site sign which shall not exceed an area of thirty-six (36) square feet per sign face, and two (2) off-site signs, which shall not exceed an area of sixteen (16) square feet per sign face each, shall be permitted. Temporary signs are not permitted to be erected more than thirty (30) days prior to a particular activity. Temporary signs shall not be illuminated by any means including reflected light. A temporary sign may only be erected with the permission of the lot or premises owner.

- a. Temporary signs erected for no more than fourteen (14) consecutive days that promote a particular event, shall not require a zoning certificate, but must conform to the requirements set forth in the paragraph above. Examples may include, but not be limited to garage sales, plant sales, festivals, barbecues, flea markets, and graduation parties.

1003.7                    **Electronic Changeable Signs**

Multiple message and variable message signs which are changed electronically shall conform to the following regulations:

- a. The maximum area per sign face shall be ten (10) square feet.

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- b. Each message shall remain fixed for no less than seven (7) seconds. Messages shall not flash, including moving video displays or animation, or emit intermittent light.
- c. Changes to messages or images shall be accomplished in not more than three (3) seconds.
- d. Such sign must be capable of regulating the digital display intensity and the light intensity level of the display and must automatically adjust to natural ambient light conditions.
- e. No such sign shall be of such intensity as to create a distraction or nuisance for motorists.
- f. Such signs shall not emulate traffic control devices.
- g. Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs.
- h. The entire message shall change at once, without scrolling, animation, flashing or blinking or other movement or noise.
- i. The changeable portion of any ground sign shall not exceed eighty percent (80%) of the total area of the sign.
- j. No more than one (1) electronic changeable sign is permitted for premises regardless of the number of signs permitted or the number of uses on the premises.

**1003.8                      *Directional Signs***

Directional signs at points of ingress and egress on private property shall have a maximum area of six (6) square feet per sign face.

**SECTION 1004                      *PROHIBITED SIGNS***

The following signs shall be prohibited in all zoning districts:

- 1004.1      Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
- 104.2      Signs which interfere with, imitate or resemble an official governmental sign, signal, or device.
- 1004.3      Signs illuminated so as to interfere with the effectiveness of, or which obscure an official governmental sign, signal, or device.
- 1004.4      Roof signs.
- 1004.5      Signs on which the illumination is flashing, moving, or intermittent.
- 1004.6      Home occupation signs.
- 1004.7      No sign, temporary or permanent, shall be placed in the public road right-of-way or on a public utility pole with the exception of signs erected by the state of Ohio, a political subdivision thereof, a public utility, or an authorized governmental department or entity.
- 1004.8      Inflatable devices.

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1004.9 No sign shall be placed anywhere in a residential district, except as noted in this Resolution, that is permitted in a commercial, industrial, institutional or medical use district.

**SECTION 1005            REMOVAL OF SIGNS**

Any existing conforming or nonconforming sign which no longer relates to the building, structure or use of the affected premises shall be completely removed within thirty (30) days after written notification of same has been sent by the zoning inspector to the owner or lessee.

**SECTION 1006            CONDITION OF SIGN**

Signs and support structures shall consist of weather resistant materials and shall be maintained in good repair and a safe condition so as to prevent rust, rot, peeling, flaking or fading. Broken or cracked sign faces or panels, missing letters, flaking or peeling paint, malfunctioning electrical or lighting components, and other visual damage or deterioration shall be repaired within 30 days of the date that written notification is provided to the owner or lessee of the affected lot or premises by the zoning inspector.

**SECTION 1101                    TOWNSHIP ZONING INSPECTOR**

The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any citizen, official, or employee of the Township may assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or suspected violation.

**1101.1                            Duties**

The Township Zoning Inspector shall be responsible for the following duties:

- a. The Township Zoning Inspector shall review all applications for Zoning Certificates as outlined in Section 1201 to insure that they conform to all applicable provisions of this Resolution. Then, the Zoning Inspector shall issue a Zoning Certificate. A record of all certificates shall be maintained;
- b. The Zoning Inspector may periodically conduct on-site inspections to insure that the actual construction will conform to the Zoning Certificate;
- c. The Zoning Inspector, upon finding that any of the provisions of this Resolution are being violated, shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation;
- d. The Zoning Inspector may order discontinuance of illegal uses of land, buildings, or structures;
- e. The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations;
- f. The Zoning Inspector, Zoning Commission, and Township Trustees may review all applicable subdivision plats and lot splits which are submitted to the Geauga County Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

**SECTION 1102                    TOWNSHIP ZONING COMMISSION**

The Township Trustees shall establish a Township Zoning Commission consisting of five (5) citizens of the Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire on December 31 of each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

**1102.1                            Meetings**

The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings



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and shall keep record of its examinations and other official actions, all of which shall be a public record.

**1102.2                      *Actions***

The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.

**1102.3                      *Duties***

The Township Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Section 1203.

**SECTION 1103                      *BOARD OF ZONING APPEALS***

The Township Trustees shall appoint five (5) residents of the township to be regular members of the Board of Zoning Appeals. The terms of the regular members shall be so arranged that the term of one member shall expire on December 31 of every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.

At their discretion, the Township Board of Trustees may appoint two (2) additional residents of the Township to serve as alternate members for a term to be established by the Board of Trustees. The two (2) alternate members shall be identified as first and second alternate indicating the order in which they shall fill vacancies occurring on the Board of Zoning Appeals. When filling a vacancy created by an absent regular member, the alternate member shall be subject to all responsibilities and privileges of a regular member under the by-laws of the Board of Zoning Appeals. Alternate members of the Board of Zoning Appeals are expected to attend all meetings of the Board of Zoning Appeals even when they are not filling a vacancy. At such times their status as an active or inactive alternate member shall be made clear to all attending the meeting.

The terms of the alternate members shall be staggered and so arranged that the term of one member shall expire on December 31 of every year. Each alternate shall serve until his successor is appointed and qualified unless the position of the alternate is abolished by the Township Board of Trustees. The position of alternate member may be abolished at any time at the pleasure and discretion of the Township Board of Trustees. An alternate member shall be removable for nonperformance of duty, misconduct in office, or other causes by the Township Board of Trustees upon the same procedure as is applicable to regular members of the Board of Zoning Appeals.

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**1103.1                      Meetings**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals. All proceedings before the Board of Zoning Appeals pursuant to Section 1103.3 of this Resolution shall be stenographically recorded. An organizational meeting shall be held in January of each year.

**1103.2                      Actions**

In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

**1103.3                      Duties**

For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- a. To hear and decide appeals in accordance with Article 12, Section 1202, where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- b. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 12, Section 1202;
- c. To grant Conditional Zoning Certificates as in Article 8, Section 801, and such additional safeguards as will uphold the intent of the Resolution;
- d. To determine the exact location of any district boundary in accordance with Article 3, Section 303 if there is uncertainty as to the exact location involved.

**SECTION 1104                      TOWNSHIP TRUSTEES**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this

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Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 12, Section 1202.

1104.1                      ***Duties***

The Township Trustees shall be responsible for the following duties:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;
- b. To establish a schedule of fees for issuing zoning certificates, appeals, variances, conditional zoning certificates, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications;  
and
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provided in Article 12, Section 1203.

**SECTION 1201                      ZONING CERTIFICATE REQUIRED**

Unless otherwise noted herein, no person shall establish a new use or change any use of land or premises, a building, or a structure, nor locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Munson Township without first obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance or conditional use. Unless otherwise specified, a Zoning Certificate shall be required for all dwellings, all principal structures and uses, all accessory structures, and all designated temporary uses. A Zoning Certificate shall not be required for the use of land or buildings or structures primarily used for agricultural purposes.

**1201.1                              Accompanying Information**

A written application and site plan for a Zoning Certificate shall be submitted to the Zoning Inspector of Munson Township on forms provided by the Zoning Inspector. The following information shall be required, shown to scale as to items d, e, g, h and i.

- a. Name, address, and a phone number of the applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indicating dimensions, including building height;
- f. A permit from the Geauga County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching fields;
- g. In all zoning districts an erosion control plan shall be included with the application for a zoning certificate for the construction of all principal permitted, accessory and conditional buildings, structures, uses, and off-street parking, loading/unloading areas allowed by this resolution and any additions thereto on lots less than five (5) acres in size; provided, however, an erosion control plan shall not be required for any principal permitted, accessory or conditional buildings, structures, and off-street parking or loading/unloading areas containing less than three hundred (300) square feet in area. If the lot is five (5) acres or more in area, the applicant shall include with the application for a zoning certificate, a deed of record and written documentation from the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted to the Geauga Soil and Water Conservation District and approved for the subject lot.
- h. The proposed parking plan and number and location of proposed off- road parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- k. A statement that the certificate shall expire and shall be revoked if work has not been started and substantially pursued within six (6) months of its issue date;

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- l. Such other information as may be necessary to determine conformance with this Resolution; and
- m. A fee as established by the Township Trustees.
- n. Any other applicable licenses or permits.

1201.2                                   ***Affidavit of Fact Deed Addendum***

In order to ensure compliance with the provisions of this resolution, an application for a zoning certificate for the Residential Districts as identified by section 401, 402, 403 and 404 may include an "Affidavit of Fact Deed Addendum" pursuant to Ohio Revised Code Section 5301.252 and as set forth in the requisite form available from the zoning inspector.

The affidavit shall be recorded with the county recorder after it has been executed by the real property owner(s) and reviewed by the zoning inspector. The zoning certificate shall not be issued until a copy of the recorded affidavit has been provided to the zoning inspector.

1201.3                                   ***Processing of Certificate***

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

1201.4                                   ***Beginning of Construction***

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

1201.5                                   ***Renewal of Certificate***

One six (6) month renewal will be issued provided a request for such renewal is initiated prior to the expiration of said certificate.

1201.6                                   ***Schedule of Fees, Charges and Expense, and Collection Procedure***

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and Township Fiscal Officer, and may be altered or amended only by a resolution of the Board of Township Trustees.

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**SECTION 1202                    APPEALS AND VARIANCES**

It is the purpose of this section to establish procedures and requirements for the hearing of appeals and variances. As is specified in Article 11, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1202.1                            ***Procedures of Board of Zoning Appeals***

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision of the Zoning Inspector by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds of appeal. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Written notices of appeal shall be made on forms provided by the Township Zoning Inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000) or as provided by Ohio law.

All completed notices of appeal shall be filed with the Township Zoning Inspector and the Board of Zoning Appeals and the appellant or authorized legal representative shall provide, at a minimum, the following:

- a. The name, address, and telephone number of the appellant.
- b. The name, address and telephone number of the owner of record.
- c. The address of the property, if different from the appellant's current address.
- d. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
- e. A legal description of the property as recorded with the Geauga County Recorder.
- f. The current zoning district in which the property is located.
- g. A description of the existing use of the property.
- h. A description of the proposed use of the property.
- i. 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 lines and the total acreage of the property.
  - 2. The exterior dimensions including height (in feet) of existing buildings or structures on the property, if any.
  - 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.

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4. The exterior dimensions including height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
5. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
6. The name and location of the existing road(s), public and private, adjacent to the property.
7. The number of dwelling units existing (if any) and proposed for the property.
8. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
9. For commercial and industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
10. The location and dimensions (in feet) of any existing easements on the property or proposed easements related to this appeal.
- j. The number of the application for the zoning certificate.
- k. All notices of appeals for signs shall include at a minimum, the following information:
  1. A drawing or map, drawn to scale with a north arrow and date, and the location of the sign on the property including dimensions (in feet) from the front and side lot lines.
  2. The area of the sign in square feet.
  3. The height (in feet) of a ground sign.
  4. The method of illumination, if any.
- l. The specific zoning regulation(s) shall be cited from which variance is requested.
- m. Written justification for a variance shall be made by the appellant addressing each of the standards as set forth in Section 1202.4 Granting of Variances.
- n. A fee as established by the Township Trustees.

1202.2

***Appeals Alleging Zoning Inspector Error***

For notices of appeal alleging error by the Township Zoning Inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the Township Zoning Inspector in his determination of the application for the zoning certificate. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

1202.3

***Variance***

The Board of Zoning Appeals may authorize upon appeal in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

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1202.4                    ***Granting of Variances***

The burden of proof for granting a variance shall rest with the applicant. In granting any appeal for a variance, the Board of Zoning Appeals must consider conformity with the spirit and intent of this Resolution. The Board of Zoning Appeals may only grant an appeal for an allegation of error by the zoning inspector, for a "use" variance or an "area" variance from the terms of this Resolution, in the district involved, by following the procedures set forth in Sections 1202.4.1 and 1202.4.2. The Board of Zoning Appeals, in deciding any appeal for a variance, may require such supplementary conditions, which are reasonably related to the requested variance, are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings and shall be incorporated into the final decision by the board approving that variance. Violation of such supplementary conditions which are made a part of the written decision of the board, shall be deemed in violation of this resolution.

1202.4.1                ***Granting of "Use" Variances***

A "use" variance is granted only upon the finding of an "unnecessary hardship" which generally means that the property owner cannot make any economically viable use of the property under the current zoning restrictions. A "use" variance is an application for a deviation from a permitted use in the subject zoning district. "Use" means how the property is used as opposed to "area" zoning restrictions on setbacks, building height, etc. Since the granting of a "use" variance represents de-facto re-zoning which is beyond further review by the Township, a "use" variance should be granted only if the circumstances leading to the variance are unusual and meet all of the specific standards. In general, the applicant is urged to explore other options to relieve the perceived hardship. To determine if a "use" variance is to be allowed, all the following standards shall be met:

- a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- b. The hardship condition was not created by actions of the previous landowners, the applicant or agents of the applicant;
- c. The granting of the variance will not adversely affect the rights of the adjacent owners;
- d. The granting of the variance will not adversely affect the public health, safety or general welfare, including but not limited to fire safety, all other safety aspects, road maintenance, water supply, sewage treatment, water runoff, and garbage service;
- e. The variance will be consistent with the general spirit and intent of the zoning resolution;
- f. The variance sought is the minimum which will afford relief to the applicant; and
- g. There is no other economically viable use which is permitted in the zoning district.



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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 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.

1202.5                    ***Processing Appeals and Variances***

The Board of Zoning Appeals shall fix a reasonable time for public hearing of the appeal which shall commence no later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued at the discretion of the Board of Zoning Appeals.

The Board of Zoning Appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted; notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.

1202.6                    ***Conduct of Hearings***

Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:

- a. Any person may appear in person or by legally authorized representative.
- b. A testimony and evidence received by the board shall be given under oath or affirmation administered by the Chairman or in his absence the Acting Chairman of the Board of Zoning Appeals.

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- c. A party in interest shall be allowed:
  - 1. To present his position, arguments and contentions;
  - 2. To offer and examine witnesses and present evidence in support thereof;
  - 3. To cross-examine witnesses purporting to refute his position, arguments and contentions;
  - 4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments and contentions;
  - 5. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
- d. The Board of Zoning Appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board.
- e. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.

1202.7

***Decisions of the Board of Zoning Appeals***

Decisions of the Board of Zoning Appeals shall be in accordance with the following:

- a. All decisions are recorded in the minutes and shall include findings of fact of the board in support of the decisions.
- b. Adoption of the minutes and findings of fact shall be made at a public meeting of the board. The minutes and findings of fact of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no longer than thirty-five (35) days from the last date of public hearing.
- c. The original written minutes and findings of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the township fiscal officer within five (5) days of the signing of the written minutes and findings of fact by the Board of Zoning Appeals.
- d. A notice of action will be provided to the appellant within two days of the decision of the Board of Zoning Appeals.

1202.8

***Submission to the Director of the Department of Transportation***

Upon receipt of an application for a zoning certificate or a conditional zoning certificate affecting any land within three hundred (300) feet of a centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Township Trustees or Township Zoning Inspector by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Township Zoning Inspector shall not issue a zoning certificate for one hundred and twenty (120) days from the date the notice is received by the Director. If the Director of Transportation notifies the Township Zoning Inspector that he has purchased or initiated proceedings to appropriate the land which is subject of the zoning application, the Zoning Inspector shall reflect to issue the zoning certificate. If the Director of Transportation notifies the Township Zoning Inspector that he has found acquisition at this time not to be in the public interest, or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the

**ARTICLE 12  
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Township Zoning Inspector shall act upon the application in accordance with the provisions of this Resolution.

**ARTICLE 12  
ZONING CERTIFICATES  
AMENDMENTS AND DISTRICT CHANGES**

**SECTION 1203                    AMENDMENTS AND DISTRICT CHANGES**

Whenever health, safety, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

**1203.1                            *Initiation of Amendments***

Amendments to this Resolution may be initiated in one of the following ways:

- a. By adoption of a motion by the Zoning Commission;
- b. By adoption of a resolution by the Board of Township Trustees; or
- c. By the filing of an application by at least one (1) owner, lessee, or designate of owner within the area proposed to be changed or affected by said amendment.

**1203.2                            *Application for Amendments***

The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;
- g. Proposed zoning district;
- h. A vicinity map at a scale approved by the Zoning Commission showing property lines, roads, existing and proposed zoning, and such other items as the Zoning Commission may require;
- i. Proposed amendment to the text;
- j. A list of all property owners within one thousand (1000) feet of, contiguous to, and directly across from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A fee as established by the Township Trustees.

**1203.3                            *Procedure for Amendments to Zoning Resolution***

The procedure for amendments to the Zoning Resolution shall be in accordance with Ohio Revised Code Section 519.12.

**ARTICLE 12  
ZONING CERTIFICATES  
VIOLATIONS AND PENALTIES**

**SECTION 1204                      VIOLATIONS AND PENALTIES**

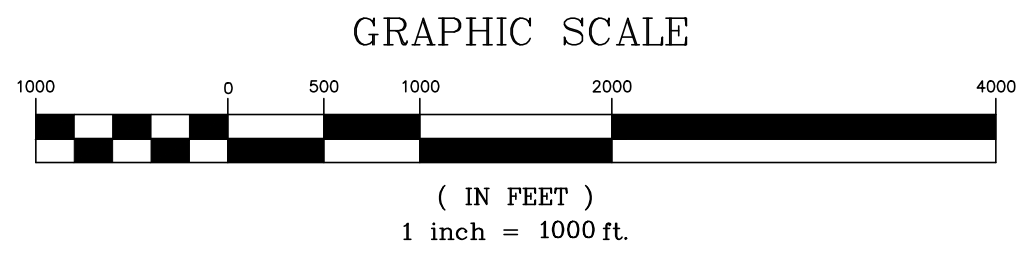
Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safe-guards established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) for each offense and in addition shall pay all costs and expenses involved in the case. Each day said violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating in full the causes and basis thereof shall be filed with the Zoning Inspector, who shall record properly such complaint, immediately investigate, and take action thereof as provided in this section.

**SECTION 13    MUNSON TOWNSHIP LAND USE PLAN**

**1301    Munson Township Land Use Plan**

The Munson Township Land Use Plan is a public document and has been adopted by the Board of Township Trustees. This resolution is in accordance with the Munson Township Land Use Plan.

# MUNSON TOWNSHIP ZONING MAP



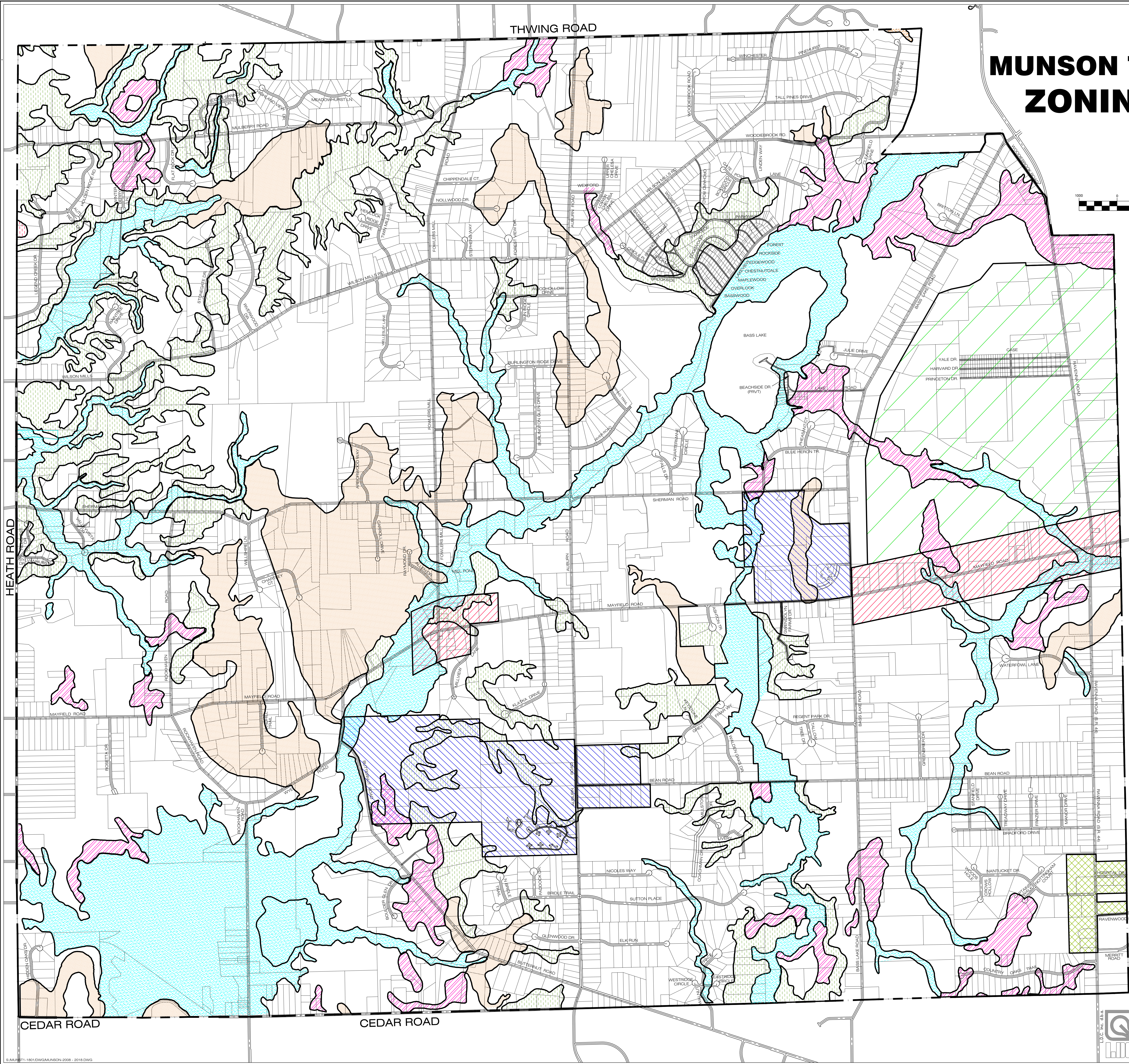
MUNSON TOWNSHIP  
 GEauga COUNTY  
 OHIO

APPROVED BY THE BOARD OF TRUSTEES  
 OF MUNSON TOWNSHIP THIS \_\_\_\_ DAY  
 OF \_\_\_\_\_, 2021.

- Andrew J. Bushman, Chairman Trustee
- Jim McCaskey Trustee
- Irene H. McMullen Trustee
- Todd R. Ray Fiscal Officer

AMENDMENT EFFECTIVE: \_\_\_\_\_

- R1 MINIMUM LOT SIZE 2.5 ACRES
- R2 MINIMUM LOT SIZE 5 ACRES -shallow bedrock-
- R3 MINIMUM LOT SIZE 5 ACRES -severe slope problems-
- R4 MINIMUM LOT SIZE 5 ACRES -severe soil wetness-
- INDUSTRIAL
- INSTITUTIONAL
- COMMERCIAL
- MEDICAL USE
- FLOOD PRONE AREAS



HEATH ROAD

CEAR ROAD

**LAND DESIGN consultants**  
 ENGINEERS · PLANNERS · SURVEYORS  
 9025 Osburn Drive, Mentor, Ohio 44060  
 TEL: (440) 255-8463 (440) 951-LAND