

**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 representative 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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- 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 accessory buildings and structures thereto, within the Flood Prone District.
- o. The conditional use certificate 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.

**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 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 STRUCTURES**

806.1 No structure will be built on the flood-prone portion of a lot located in a flood-prone district unless prior 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.

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- 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.