

ARTICLE 2
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.

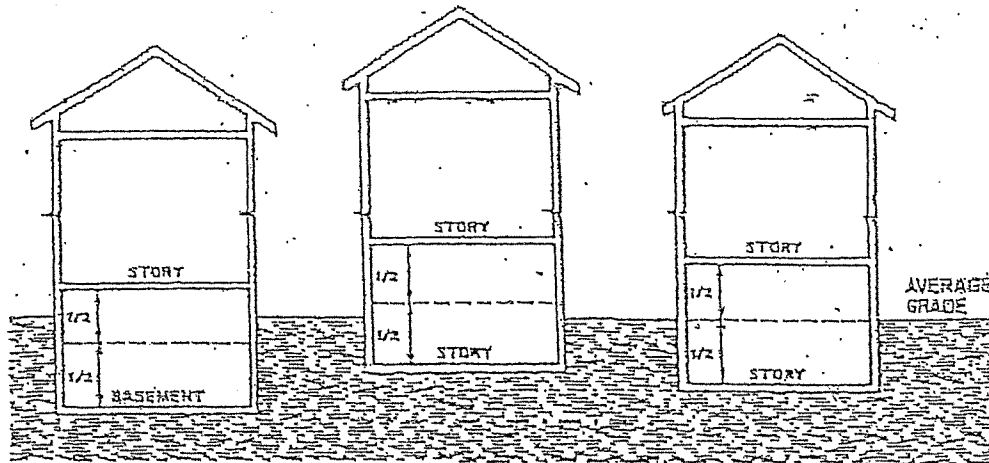
Antenna – Any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building on a tower.

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.

Kennel - 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.

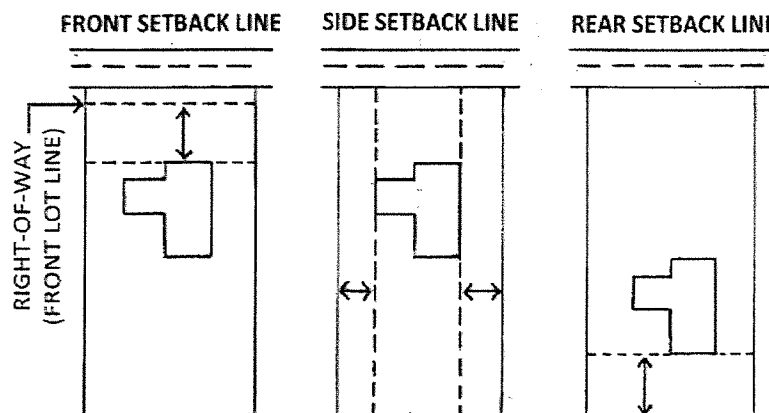
School – Any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

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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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.