

Munson Township
Zoning Commission Regular Meeting
Minutes of February 9, 2022

Nick Christie called the meeting to order at 6:05pm with Adriano Fiucci and Glen Peck present. Also present was Zoning Inspector Jim Herringshaw and Secretary Julie Johnston along with Trustee Andy Bushman. Ed Hren and Kurtis Taylor were absent. The Pledge of Allegiance was said.

Nick Christie moved and Adriano Fiucci seconded to approve the minutes of January 12, 2022 as written. Motion carried, 3-0.

Board members reviewed the proposed Zoning Resolution amendments after the informal review. The Geauga County Planning Commission Director Linda Crombie recommends a definition for the word "premises" because we do not have one and the word appears many times in our Zoning Resolution. Ms. Crombie sent us a definition from the American Planning Association for us to work from.

Nick Christie moved and Glen Peck seconded to send the proposed Zoning Resolution amendments as modified to the Planning Commission and the assistant Geauga County Prosecutor for a second informal review. Motion carried, 3-0.

Zoning Report

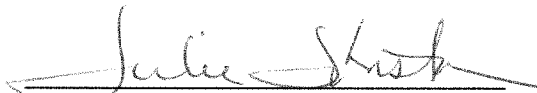
Zoning Inspector Jim Herringshaw does not have much to report on from last month. There are not any Board of Zoning Appeals cases for February. The two Zoning Permits from January consist of Aqua Doc on Mayfield Road adding another storage building and a home addition for the other.

The next meeting will be held on Wednesday, March 9, 2022 at 6pm at Munson Townhall.

Nicholas Christie moved and Glen Peck seconded to adjourn the meeting at 6:28pm. Motion carried, 3-0.



Adriano Fiucci



Julie Johnston, Secretary

Proposed Amendment

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.

Premises – An area of land, regardless of the number of lots or parcels, occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces or yards as are arranged and designed to be used in conjunction with that activity.

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

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. d.

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.~~
- db. 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.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

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.~~
- db. 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.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

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.

**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~~
- ~~eb.~~ Places of Worship as regulated in Article 5 and Article 8.
- ~~ec.~~ 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.

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.
- e. The unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

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.

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.

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;
- 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 805

COMMERCIAL RECREATIONAL FACILITIES

All commercial recreational facilities other than those specifically described elsewhere in Section 805 **Article 8** 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.

1003.7

Electronic Changeable Signs

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

- j. No more than one (1) electronic changeable sign is permitted ~~for~~ **on the** premises regardless of the number of signs permitted ~~or the number of uses on the premises.~~

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.~~

PREMISES - Appears in the Zoning Resolution

Definitions

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**.

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.

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.

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

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**.

Sexually Oriented Businesses

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 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.

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.

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 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 807 SEXUALLY ORIENTED BUSINESSES

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.

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, date, 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.

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.

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.

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.
- 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.

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 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.

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.

FROM: Linda Crombie, Planning Commission

DEFINITION FROM: American Planning Association

■ **premises** (*See also lot*) A building lot with the required front, side, and rear yards for a dwelling. (*Grand Forks, N.Dak.*)

A lot, together with all buildings and structures thereon. (*El Paso, Tex.; North Liberty, Iowa; Wood River, Ill.*)

Land and the improvements thereon. (*Hedwig Village, Tex.*)

Any structure, parcel, real estate, or land or portion of land whether improved or unimproved, including adjacent parkways, parking strip, sidewalks, and streets. (*Truckee, Calif.*)

Linda's suggestion:

Premises —

An area of land, ^{regardless of the number of lots or parcels,} occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such ^{yard spaces} ~~open spaces~~ as are arranged and designed to be used in conjunction with that activity. (~~Loveland, Colo.~~)

A lot with or without buildings. (*Multnomah County, Ore.*)