

# Munson Township

## Zoning Commission Meeting

### Minutes of April 15, 2021

Nick Christie called the meeting to order at 6:01pm with, Ed Hren, Adriano Fiucci and Glen Peck present via Zoom electronic teleconference. Kurtis Taylor was absent. Due to the ongoing viral pandemic, the meeting was held without any Zoning Commission members located in the same physical space. The meeting was open to the public, with the access link posted on the Munson Township website, conducted lawfully, in accordance with conditions established by the Ohio legislature's Substitute Amended House Bill 197. Also present was Zoning Inspector James Herringshaw and Secretary Julie Johnston along with Trustee Andy Bushman. The Pledge of Allegiance was said.

Glen Peck moved and Ed Hren seconded to approve the minutes of March 25, 2021 as written. Motion carried, 3-0.

Board members discussed the proposed Zoning Resolution amendments which are attached to these minutes.

#### Zoning Report

Zoning Inspector Jim Herringshaw stated that the previous month was typical with no crazy zoning requests to speak of. So far in April there will be zoning certificates issued for several new homes and three more cottages at Notre Dame Village. There are many accessory buildings and pools coming up as well. It seems like building materials are stocking back up from the shortage due to covid-19. So far there is one variance to be heard in May for a driveway extension only 5' away from the property line on Walden Oaks Drive. The owner is coming in for a variance so it can remain there.

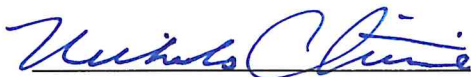
#### Public Comment

Joe Bastulli asked for the cutoff date for a variance to be heard in May. Mr. Herringshaw answered April 30, 2021.

#### Other Business

The next meeting will be held on Thursday, May 20, 2021 at 6pm via Zoom.

Nick Christie moved and Ed Hren seconded to adjourn the meeting at 6:25pm. Motion carried, 4-0.



Nick Christie, Chair



Julie Johnston, Secretary

## **SECTION 202                      DEFINITIONS**

~~Agriculture - Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, and animal and poultry husbandry.~~ 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.

~~Home Occupation Use or "Home Occupation" - An occupational use of a dwelling which is clearly incidental to its primary use for residential purposes.~~ 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.

## **SECTION 303                      INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of roads, highways, and/or alleys shall be construed to follow such center lines or their extensions;
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated as approximately following township limits shall be construed as following township limits;
- 303.4 Boundaries indicated as parallel to or extensions of features or lines indicated in sub-sections 303.1 through 303.3 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- 303.5 If a lot or a proposed lot in a Residential District is located so that it includes two or more districts, its use shall be subject to the district having the smaller lot size requirement only if ~~seventy-five percent (75%)~~ the majority of such lot's total area falls within the district having the smaller lot size requirement. This section is not intended to permit a significant number of lots in a given development to include land in a district requiring a larger lot size than that applicable to the district being developed.

## **406.4                      General Requirements**

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

a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:

1. buildings,
2. impervious surfaces, such as parking, driveways and service areas, and
3. site improvements and amenities, excluding storm water management facilities shall not exceed forty percent (40%) of the total site area of the Institutional District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

b. **Open Space** – At least sixty percent (60%) of the acreage of each Institutional District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.

c. **Building Location and Configuration** – Buildings and Structures may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwelling units in order to provide privacy and to form a unified composition of buildings and space, provided that all Buildings are located in the development in compliance with the following:

1. The minimum front yard setback for a building, structure or parking area shall be two hundred (200) feet from the right of way of the public road on which it fronts. The front is the part of the structure that is nearest to the origin of the measurement (see Minimum Dimensional Requirements Chart).
2. The minimum setbacks for a building, structure or parking area shall be two hundred (200) feet from any other lot line (see Minimum Dimensional Requirements Chart).
3. A building or structure shall be setback a minimum of thirty-six (36) feet from the right of way or twenty-five (25) feet to the edge of pavement of any Private Road constructed as part of the Institutional District whichever is the greater.
4. The minimum distance between Buildings which contain less than three (3) Dwelling or Living Units shall be twenty (20) feet.
5. The minimum distance between Buildings where one or more of the buildings is either a non-residential building or contains three (3) or more Dwelling or Living Units shall be forty (40) feet.
6. No Building shall have an exterior wall in excess of two hundred fifty (250) feet in length without a change in the building's direction, or an exterior wall in excess of one hundred forty (140) feet without a change in contour.

d. **Grading** – Each Institutional District use site shall be graded for proper drainage and meet the requirements of Section 508.

e. **Minimum Floor Area** – Dwelling Units and Living Units shall comply with the following minimum floor area requirements:

1. Dormitory Living Units – 120 square feet per student
2. Faculty and/or employee Dwelling Units – 650 square feet
3. Congregate Care Living Unit – 550 square feet
4. Assisted Living Unit – 400 square feet
5. Nursing Care Living Unit – 265 square feet
6. Independent Dwelling Unit –

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

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

406.5

#### ***Site Development Plans***

- a. **Site Development Plan Required** – A Site Development Plan shall be required prior to the construction, reconstruction, expansion, alteration, or establishment or any use within an Institutional District. No construction activity shall commence for any use or portion thereof unless and until a site development plan has been submitted to the

Zoning Inspector for review and approval as set forth herein, and a valid Zoning Certificate has been issued by the Zoning Inspector for said use.

- b. **Application** – Applications for site development plan approval shall be made to the Zoning Inspector and shall be accompanied by such filing fees and consultant review deposits as may be established by the Township Trustees. All site development plans shall conform with the requirements of Subsection (c) hereof.
- c. **Site Development Plan Standards** – Each application for Site Development Plan review shall include three (3) copies of a plan prepared and certified by one or more persons duly authorized and registered by the State of Ohio to prepare such respective documents. Development plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100') and shall include, at a minimum, the following data:
  - 1. The name of the development, the name of the owner or developer, north arrow, date and scale;
  - 2. The owners and zoning classification of adjoining parcels;
  - 3. A boundary survey;
  - 4. Existing topography and proposed finished grade with a maximum two feet (2') contour interval;
  - 5. Proposed Building locations;
  - 6. Location of all minimum Setback Lines;
  - 7. Vehicular and pedestrian circulation plans;
  - 8. All off-street parking areas indicating the number of parking spaces provided and the number required;
  - 9. Detailed site grading and drainage plans including storm detention calculations, pipe sizing analyses, and provisions for control of erosion and sedimentation;
  - 10. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
  - 11. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
  - 12. Location and size of all recreation and Open Space areas;
  - 13. A detailed landscaping plan including a listing of all plant material by type, size, and number, and including the type, size, and height of all fencing, screening, and retaining walls;
  - 14. Architectural plans of proposed structures including the number and minimum floor area of Dwelling and Living Units, provisions for congregate dining and the preparation and serving of meals, provisions for nursing care and/or protective oversight, provisions for elderly and handicapped accessibility, and provisions for common social areas;
  - 15. Building elevations of all proposed buildings including descriptions of proposed façade materials and treatments;
  - 16. A site lighting plan;
  - 17. Typical sections for all proposed streets and access drives;
  - 18. Proposed phases if the project is to be developed in stages
  - 19. A summary table showing the total acres of the proposed development, the number of acres devoted to Open Space, Streets, and the number of Dwelling and Living Units by type.
- d. **Application Process** – The Zoning Inspector may request review and assistance from consultant reviewers, including but not limited to qualified professional civil engineers, planners, or architects to ensure the Site Development Plan application conforms with this Resolution. The cost of such consultant reviewers shall be borne by the applicant and shall be deposited with the Township as set forth in Subsection (b) and as specified

by the Township Trustees. Notwithstanding Section 1101.2 herein, the Zoning Inspector is not required to approve or disapprove the Site Development Plan application within thirty (30) days. However, the Zoning Inspector shall respond to the applicant, in writing, within thirty (30) days, said response shall provide the status of the Site Development Plan approval process which approval process may require more than thirty (30) days.

407.5

### **General Requirements**

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

a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:

1. buildings,
2. impervious surfaces, such as parking, driveways and service areas, and
3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%) of the total site area of the Commercial District\*\*. Site Utilization Area\*\*\* shall be calculated by drawing zoning compliance lot lines\*\*\*\*, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

*\*\*In regard to the yellow highlighted text, it is 50% of the lot, not the Commercial District. This wording should be eliminated.*

*\*\*\*The wording for Site Utilization Area and zoning compliance lot lines is more complicated than it needs to be. Munson's Zoning Resolution already defines "Lot Coverage" in Article II and Section 411 stipulates the 50% Maximum Lot Coverage. The title here could be "Maximum Lot Coverage" and the wording could be "The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed fifty (50%) percent of the total site area."*

*Has there been an issue with determining 50% lot coverage? The applicant is expected to demonstrate compliance with the required lot coverage maximum. As written, the language is convoluted and the numbered format is not necessary. Is there a real life example that could be provided to help clarify the proposed language?*

*If Site Utilization Area is to be used, it needs to be defined.*

*\*\*\*\*The use of the phrase "zoning compliance lot line" could be confused with the actual lot line. Recommend revising.*

- b. **Open Space** – At least fifty percent (50%) of the acreage of each Commercial District use\* shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas\*\* shall be reserved in a natural or undeveloped state as permanent\* Open Space.

*\*Instead of "each Commercial District use, "the total site area" could be inserted here so it matches the language above in a-3:*

*\*\*The language "zoning compliance lots and said areas" is different wording than in a-3 above. Section b could be "Minimum Open Space" and wording be "The minimum Open Space shall be fifty (50%) percent of the total site area."*

*\*\*\*Open Space is currently defined in the resolution and it is not recommended to use "permanent" as permanent implies the land is restricted by conservation easement or some other covenant or restriction. It is fine for the language to be "...natural or undeveloped state as Open Space." An owner could propose to provide less than 50% Open Space, which would be handled through the variance process.*

- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

407.56                      **Agricultural Use Exception**

407.67                      **Parking**

407.78                      **Driveway**

408.5                        **General Requirements\***

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

- a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:

1. buildings,
2. impervious surfaces, such as parking, driveways and service areas, and
3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%) of the total site area of the Industrial District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

- b. **Open Space** – At least fifty percent (50%) of the acreage of each Industrial District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.

- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

*\*Same comments apply to Section 408.5(a) and (b) as with Section 407.5(a) and (b).*

408.56                      **Agricultural Use Exception**

408.67                      **Parking**

408.78                      **Driveway**

409.5                        **General Requirements\***

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

- a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:

1. buildings,
2. impervious surfaces, such as parking, driveways and service areas, and
3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%) of the total site area of the Medical District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

- b. **Open Space** – At least fifty percent (50%) of the acreage of each Medical Use District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.

- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

*\*Same comments apply to Section 409.5(a) and (b) as with Section 407.5(a) and (b) and 408.5(a) and (b).*

409.56 **Parking**

409.67 **Driveway**

## **SECTION 503 PRINCIPAL STRUCTURES PER LOT**

No more than one (1) principal building or structure may be constructed upon any one lot located within a Residential or Flood Prone District for the purposes of this Resolution. The construction of more than one (1) principal building or structure upon any one lot shall require the approval of a variance from the Board of Zoning Appeals.

## **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 would disturb a reasonable person of ordinary sensibilities could have an adverse effect upon the surrounding neighborhood;
- c. Offer for sale on the premises material products not produced by such Home Occupation;
- d. Present outward evidence of such use, including but not limited to signage;
- e. Operate any business that offers or provides lodging to the general public for compensation;
- f. Operate in violation of any federal, state or local laws or regulations

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

- k. ~~Parking and Loading/Unloading Spaces shall not be located in the minimum setback for front, side or rear yard of any lot. Loading/Unloading Spaces shall be located to the side or rear of the building or structure they serve, and shall not be in any front yard.~~
- k. Parking may be located within any front, side, or rear yard, subject to all minimum setbacks, except parking may be permitted no closer than fifty (50) feet from a front or side road right of way. Loading/unloading spaces shall be located to the side or rear of the building or structures they serve, and shall not be located within any front yard.

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

~~526.2 All freestanding Solar Energy Panels and/or Arrays shall be walled or fenced and said wall or fence shall:~~

- ~~a. Not be less than four (4) feet in height;~~
- ~~b. Not be less than four (4) feet nor more than fifteen (15) feet from the Solar Energy Panel and/or Array's edge; and~~
- ~~c. Maintained in good condition with a gate and lock.~~

## **SECTION 701**

### **INTENT AND PURPOSE**

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

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

## **SECTION 702**

### **NONCONFORMING LOTS**

All nonconforming lots shall be subject to the following provisions:

#### **702.1**

##### ***Single Nonconforming Lots***

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

## **SECTION 703**

### **NONCONFORMING USES OF LAND**

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

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

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

703.5 ***Solid Mineral Extraction Operations***

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

**SECTION 704 NONCONFORMING STRUCTURES**

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

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