

# Munson Township

## Zoning Commission Meeting

### Minutes of May 20, 2021

Nick Christie called the meeting to order at 6:02pm with, Kurtis Taylor, Ed Hren, Adriano Fiucci and Glen Peck present via Zoom electronic teleconference. 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.

Nick Christie moved and Glen Peck seconded to approve the minutes of April 15, 2021 as written. Motion carried, 4-0.

Board members discussed the proposed Zoning Resolution amendment for 2021-02 which is attached to these minutes. Adriano Fiucci added that the proposed amended definition for "lot coverage" is very thorough. Nick Christie commented that the amendment has been reviewed multiple times and the Board is comfortable with it.

Edward Hren moved the adoption of the following motion: That an amendment to the Munson Township Zoning Resolution, identified as number 2021-02 consisting of 6 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Munson Township Zoning Commission this 20th day of May 2021. Kurtis Taylor seconded said motion. Motion Carried 5-0

Glen Peck moved the adoption of the following motion: That the Munson Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2021-02 to the Munson Township Zoning Resolution as attached hereto on the 17<sup>th</sup> day of June 2021 at 6pm at Town Hall. Nick Christie seconded said motion. Motion Carried 5-0

Adriano Fiucci moved that the Munson Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment identified as number 2021-02 to the Munson Township Zoning Resolution with attached text pertaining thereto to the Geauga County Planning Commission this 20<sup>th</sup> day of May 2021. Nicholas Christie seconded said motion. Motion Carried 5-0

#### Zoning Report

April has been busier for Zoning Inspector Jim Herringshaw. The two variances heard at the Board of Zoning Appeals meeting last evening were approved. The Use Variance for Berkshire Hills swimming pool passed. Since the golf course did not renew their Use Variance, the swimming pool could not operate without one. There are new home zoning certificates being issued with more to come. A resident will be coming in for a variance for an outbuilding 56' tall to match the look of their home (currently the height must be no taller than 35'). Notre Dame is planning on taking down the ticket booths, combining them and adding a concession stand to their football field. The public restrooms and bleachers are in for some changes as well.

#### Other Business

The next meeting will be held on Thursday, June 17, 2021 at 6pm at Munson Townhall.

Nick Christie moved and Ed Hren seconded to adjourn the meeting at 6:24pm. Motion carried, 5-0.



Kurtis Taylor, Vice Chair



Julie Johnston, Secretary

# Zoning Commission

## Munson Township

Chardon, Ohio

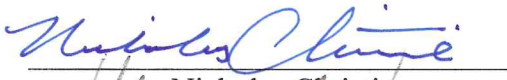
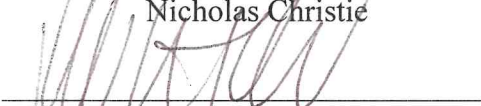
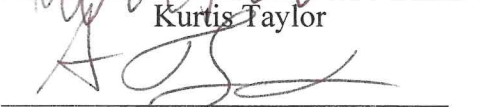
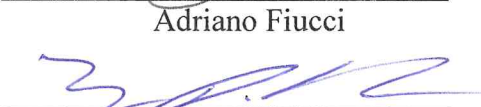
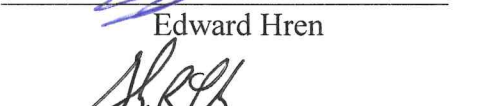
### MOTION TO INITIATE AMENDMENT TO MUNSON TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

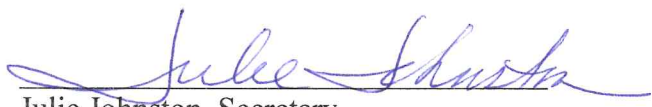
Edward Hren moved the adoption of the following motion:

That an amendment to the Munson Township Zoning Resolution, identified as number 2021-02 consisting of 6 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Munson Township Zoning Commission this 20th day of May 2021.

Kurtis Taylor seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

<u>Member</u>	<u>Yes or No</u>
 Nicholas Christie	Yes
 Kurtis Taylor	Yes
 Adriano Fiucci	Yes
 Edward Hren	Yes
 Glen Peck	Yes

Attested to by:

  
Julie Johnston, Secretary  
Munson Township Zoning Commission

5/20/2021  
Date

## **Exhibit A**

### **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.

Lot Coverage - ~~The ratio of the ground floor area of all structures plus paved areas on a lot to the horizontally projected area of the lot, expressed as a percentage.~~ 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, impermeable decking, a paver, permeable pavement, or other any manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable 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.

### **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 subsections 303.1 through 303.3 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- 303.5 If a lot or a proposed lot in a Residential District is located so that it includes within 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 Lot Coverage** – The maximum Site Utilization Area lot coverage for all:
  1. buildings,
  2. impervious surfaces, such as parking, driveways, and service areas, and other
  3. site improvements and or 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. **Minimum Open Space** – At least The minimum open space shall be sixty percent (60%) of the total area of the lot 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.

#### 407.5 **General Requirements**

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

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

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

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

409.56 **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 **H**ome **O**ccupation;
- 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.



# Zoning Commission

## Munson Township

Chardon, Ohio

### MOTION TO SET DATE FOR PUBLIC HEARING ON PROPOSED AMENDMENT TO TOWNSHIP ZONING RESOLUTION R. C. 519.12 (A)

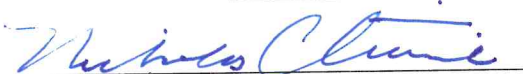
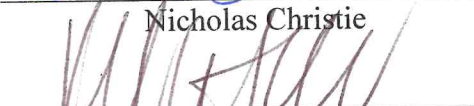
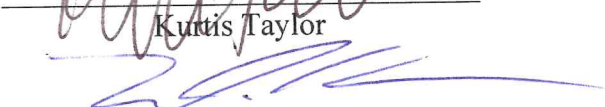
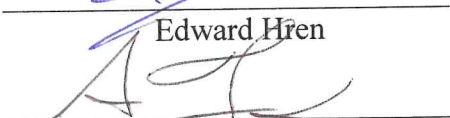
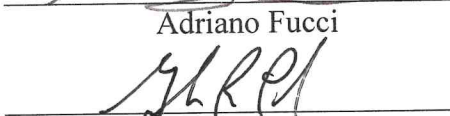
The Munson Township Zoning Commission, Geauga County, Ohio, met in session on the 20th day of May, 2021 at 6:00 p.m. with the following members present:

Nicholas Christie, Kurtis Taylor, Edward Hren, Adriano Fucci and Glen Peck

Glen Peck moved the adoption of the following motion:


That the Munson Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2021-02 to the Munson Township Zoning Resolution as attached hereto on the 17<sup>th</sup> day of June, 2021 at 6pm at Town Hall.

Nicholas Christie seconded the motion and the roll being called, the vote of the Munson Township Zoning Commission was as follows:

<u>Member</u>	<u>Yes or No</u>
 Nicholas Christie	Yes
 Kurtis Taylor	Yes
 Edward Hren	Yes
 Adriano Fucci	Yes
 Glen Peck	Yes

Adopted the 20th day of May, 2021

Attested to by:

  
Julie Johnston, Secretary  
Munson Township Zoning Commission

# Zoning Commission

## Munson Township

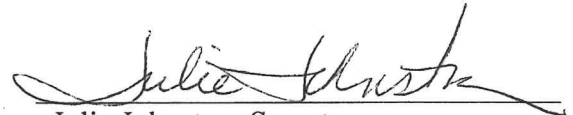
Chardon, Ohio

TRANSMISSION OF COPY OF MOTION FOR PROPOSED  
AMENDMENT TO ZONING RESOLUTION  
TOGETHER WITH TEXT  
PERTAINING THERETO TO COUNTY  
PLANNING COMMISSION  
R. C. 519.12 (E)

The Munson Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment identified as number 2021-02 to the Munson Township Zoning Resolution with attached text pertaining thereto to the Geauga County Planning Commission this 20<sup>th</sup> day of May 2021.

Munson Township Zoning Commission

Attested to by:



Julie Johnston, Secretary  
Munson Township Zoning Commission

Received by Geauga County Planning Commission this 21 day of May, 2021



Signature of Planning Commission Member or Employee

**RECEIVED**

MAY 21 2021

Gauga County Planning Commission

# Zoning Commission

## Munson Township

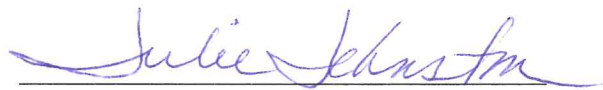
Chardon, Ohio

### NOTICE OF PUBLIC HEARING ON A MOTION PROPOSING TO AMEND THE MUNSON TOWNSHIP ZONING RESOLUTION R. C. 519.12 (D)

Notice is hereby given that the Munson Township Zoning Commission will conduct a public hearing on a motion which is an amendment, identified as number 2021-02 to the Munson Township Zoning Resolution at the Munson Town Hall, 12210 Auburn Road at 6p.m. on Thursday, June 17, 2021.

The motion proposing to amend the zoning resolution will be available for examination at the Munson Town Hall, 12210 Auburn Road from 9 o'clock a.m. to 3 o'clock p.m. from June 3, 2021 through June 17, 2021.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.



Julie Johnston, Secretary  
Munson Township Zoning Commission

Publish: News Herald  
June 3, 2021

