

Munson Township

Zoning Commission Regular Meeting

Minutes of August 19, 2021

Nick Christie called the meeting to order at 6:00pm with, Adriano Fiucci and Glen Peck present. Also present was Zoning Inspector Jim Herringshaw and Secretary Julie Johnston along with Trustee Andy Bushman. Kurtis Taylor and Edward Hren were absent. The Pledge of Allegiance was said.

Nicholas Christie moved and Adriano Fiucci seconded to approve the minutes of June 17, 2021 as written. Motion carried, 3-0.

Board members review some areas of the Zoning Resolution that may be in need of amending.

Zoning Report

There has been a mix of new homes, additions, swimming pools and accessory buildings lately. Since there is a shortage of building materials, many jobs have been delayed. UH Geauga are going through with the addition of a parking lot. The neighbors are selling or have sold their property. Notre Dame Cathedral Latin will be installing artificial turf on their football field. At the BZA meeting on August 18th a home occupation passed for a storage business in their large outbuilding. No sign will be displayed. All Area variances passed last evening but the Use variance did not.

Public Comment

A Sherman Road resident attended the meeting. She and her surrounding neighbors have noticed an increase in the amount of traffic and the speed of the traffic on their street. The Zoning Commission nicely told her that that issue would have to be taken up with the Board of Trustees. Trustee Andy Bushman informed the resident that they are aware of the situation. The increased traffic is due to the road construction on Mayfield and Auburn Roads. The Trustees have been working with the County Engineers office and have put up a temporary flashing speed limit sign on Sherman and Bean Roads to help with this issue.

Other Business

The next meeting will be held on Wednesday, October 27, 2021 at 6pm at Munson Townhall. Motion carried, 3 -0.

Nicholas Christie moved and Adriano Fiucci seconded to adjourn the meeting at 7:08pm. Motion carried, 3 -0.



Nick Christie, Chair



Julie Johnston, Secretary

To be considered at the August Zoning Commission meeting

Amend or Correct

ARTICLE 10 SIGNS

- 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 *on the* premises regardless of the number of signs permitted or the number of uses on the premises.

1003.8

Electronic Changeable Signs

Suggestions on above

Directional signs at points of ingress and egress on private property shall have a maximum area of six (6) square feet per sign face.

SECTION 1004

PROHIBITED SIGNS

The following signs shall be prohibited in all zoning districts:

- 1004.1 Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official governmental signs and/or approaching or merging traffic.
- 104.2 Signs which interfere with, imitate or resemble an official governmental sign, signal, or device.
- 1004.3 Signs illuminated so as to interfere with the effectiveness of, or which obscure an official governmental sign, signal, or device.
- 1004.4 Roof signs.
- 1004.5 Signs on which the illumination is flashing, moving, or intermittent.
- 1004.6 Home occupation signs.
- 1004.7 No sign, temporary or permanent, shall be placed in the public road right-of-way or on a public utility pole with the exception of signs erected by the state of Ohio, a political subdivision thereof, a public utility, or an authorized governmental department or entity.
- 1004.8 Inflatable devices.

**ARTICLE 8
CONDITIONAL USES**

pedestrian/bicycle paths, wilderness areas, or other similar publicly-owned land within the township under the control, operation or management of either the township or some other public entity;

5. No sexually oriented business may be established within five hundred (500) feet of a residentially used lot.
- c. No sexually oriented business may be established, operated or enlarged within three hundred (300) feet of another sexually oriented business. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the portion of the building or structure in which each business is located.
- d. Not more than one sexually oriented business shall be established or operated in the same building, structure, or portion thereof and the floor area of any sexually oriented business in any building, structure, or portion thereof containing a sexually oriented business may not be increased.
- e. For the uses referenced in Section 807.4b 1-5, measurement shall be made at the road right-of-way from the lot line to the lot line of the sexually oriented business.

807.5

Regulations

- a. Minimum dimensional requirements for sexually oriented businesses are those specified for the I-Industrial District in Section 411 of this zoning resolution.
- b. Maximum building and structure height as regulated in Section 506.
- c. Parking requirements as regulated in Section 521.

807.6

Sign Regulations

- a. Signs as regulated in Article 10.
- b. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the outside of the building.

SECTION 808

PLACES OF WORSHIP

Residential, Institutional and Commercial

Places of Worship may be permitted as a Conditional Use within Residential Districts where the Board of Zoning Appeals determines that such use will be located on a main road and will not create undue impacts to the adjoining residential neighborhood with regard to traffic generation, noise, lighting, or storm runoff. Places of Worship granted a Conditional Zoning Certificate shall comply with the provisions of 507 and any additional conditions attached to such approval by the Board of Zoning Appeals.

When Places of Worship was added by the Zoning Commission in 2015 to Conditional Uses, there appears to have been an oversight when cross referencing.

Remove: 401.2 (b) R-1

402.1 (b) R-2

403.1 (b) R-3

404.1 (b) R-4

405.2 (b) Flood Prone District

406.1 (c) Institutional District

407.2 (#45) Commercial District

**ARTICLE 8
CONDITIONAL USES**

804.15 The reclamation plan for the extracted area shall contain all the information required by Ohio Revised Code 1514.02 (A) (8), and in addition shall contain the following information:

- a. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than eighteen (18) inches.
- b. The slope of all earthen banks, which shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater slope existed, the slope shall be no greater than that which existed at the commencement of excavation.
- c. The slope of all banks consisting of rock and the required cover.
- d. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such slopes are not physically or economically feasible to reduce.
- e. The number of trees and shrubs, and the type of ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, to plant shall be determined in consultation with the Geauga County Agricultural Extension Agent.
- f. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Geauga County Planning Commission, the County Engineer, the Sanitary Engineer, and the Zoning Inspector.
- g. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of native grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
- h. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet.

Correction - change to

SECTION 805 COMMERCIAL RECREATIONAL FACILITIES

Article 8

All commercial recreational facilities other than those specifically described elsewhere in ~~Section 805~~ shall be limited to Commercial Districts and shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

805.1 Community swimming pools may be permitted provided the following conditions are met:

- a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened. Such screening shall be subject to approval by the Board of Zoning Appeals.
- b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition.

805.2 All commercial recreational facilities shall be in accordance with the following:

- a. Loudspeaker, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance within any district.
- b. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.

Consider adding or amending to Section 509.4

- D. Clotheslines and support poles shall be setback a minimum of _____ feet from all lot lines and shall not be in the front yard or in front of the principal building on a lot.
- E. Driveways, in accordance with Article VI, Section 606.0, zoning certificate required.
- F. Fences, gates, and walls, zoning certificate required:
 - 1. Fences, gates, and walls shall be erected outside of the right-of-way of any public or private road.
 - 2. Fences, gates, and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences, gates, and walls shall not be unsafe or be in danger of falling and shall be setback a minimum of _____ feet from all lot lines.
 - ? 4. Electrically charged fences and barbed wire fences shall be prohibited. Any fence that is incidental to agriculture is exempt from this regulation.
 - ? 5. Along lot lines the unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.
- G. Flagpoles, provided the flagpole is setback a minimum of 1.1 times its height measured from its base to all lot lines.
- H. Fuel tanks shall be setback a minimum of _____ feet from all lot lines.
- I. Landscaping features and screening, including earthen mounds and retaining walls.
- J. Mailboxes and newspaper tubes.
- K. Ornamental and security lighting fixtures shall be setback a minimum of _____ feet from all lot lines. Exterior light poles and fixtures shall be setback in accordance with Section 402.13.
- L. On-site sanitary sewage treatment and water well systems.
- M. Ponds, fire protection ponds in accordance with Section 402.14, and stormwater retention or detention facilities in accordance with Article XVI.
- N. Signs in accordance with Article VII, zoning certificate required.
- O. Student bus shelters with a maximum floor area of _____ square feet and no more than one (1) shelter per lot. Such shelters shall be setback a minimum of _____ feet from all lot lines.
- P. Swing sets and related recreational equipment with a minimum setback of _____ feet from all lot lines.

Consider adding something like: No principal structure is required for installation of a fence maximum height 4'

**ARTICLE 7
NONCONFORMITIES**

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.

Linda Crombie recommends adding somewhere appropriate in Article 7 - plats with setbacks (only front, not side or rear) that were created before zoning.

**ARTICLE 7
NONCONFORMITIES**

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 thereafter 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.