

ARTICLE 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

DEFINITIONS

SECTION 201 CONSTRUCTION OF LANGUAGE - For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

- 201.1 Words used in the singular shall include the plural, and the plural the singular;
- 201.2 Words used in the present tense shall include the future tense;
- 201.3 The word "shall" is mandatory and not discretionary;
- 201.4 The word "may" is permissive;
- 201.5 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and
- 201.6 The word "structure" includes the words building, sign, dwelling, residence, church, house, fence, etc.

SECTION 202 DEFINITIONS - All words used in this Resolution shall have their customary meanings as defined in the Ninth Edition of *Webster's New World Dictionary*, except those specifically defined in this section.

Accessory Use or Structure - A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to such use or structure.

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

Airport, Private - Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.

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

Applicant (for Article 9) - Record owner of the real property, and owner if different than record owner and producer, it being the intent that the record owner, owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in the drilling, production and abandonment of oil and gas wells.

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Assisted Living Unit – A residential accommodation designed for and intended to be occupied by individuals requiring supervision, assistance, skilled nursing or health care services, or who are otherwise dependent upon the services of others for help with everyday tasks such as bathing, dressing, and taking medications by reason of age, physical or mental impairment or similar infirmity. Typical services include but are not limited to: three meals a day in group dining services, personal care, medication assistance, provision of social services, supervision of persons with cognitive disabilities, exercise and recreation activities, laundry and housekeeping services, and transportation services.

Barn - An accessory structure customarily used for the housing of livestock and for the storage of crops.

Basement - Floor space in a building partially or wholly underground, but having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is subdivided and used for dwelling or business purposes by other than a janitor employed on the premises. (See Illustration)

Beginning of Construction - The beginning of construction is the incorporation of labor and material within the walls of a building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; and the incorporation of labor and material where land is to be used for purposes other than construction of a building.

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Brine - All saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling or production of oil and gas wells.

Building – A temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Height - The vertical distance of the building as measured from the finished lot grade level at the midpoint of the front of the building to its highest point.

Building Line - A line parallel to the nearest lot line and through the point on the primary structure closest to that lot line.

Car Lot - Any place outside of a building where two or more motor vehicles in operating condition are displayed and offered for sale.

Cemetery - Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, columbariums, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Clinic - A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club - A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

Collocation – Locating wireless telecommunications antennas and appurtenant equipment from more than one provider on a single wireless telecommunications tower site.

Commercial Recreational Facilities, Indoor - Any facility the principal use of which is commercial activity conducted primarily indoors related to the recreational field, such as bowling alleys, skating rinks, indoor tennis courts, motion picture theaters and similar recreational activities.

Commercial Recreational Facilities, Outdoor - Any facility the principal use of which is commercial activity conducted primarily outdoors related to the recreational field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.

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Commercial Vehicle - Any vehicle required to be licensed as such by the state.

Community-Based Residential Social Service Facilities - Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five types of facilities:

- a. Foster Homes - A private residence providing resident services and protective supervision for the care and/or rehabilitation of one child, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
- b. Family Care Home - A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- c. Group Care Home - A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

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- d. Home for Adjustment - A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes:
1. to assist them in recuperating from the effects of drugs or alcohol;
 2. to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or
 3. to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.

The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, state or local agency having authority under law to license the operation.

- e. Institution - A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

Condensate - Liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

Conditional Use - A use permitted within a district other than a permitted principal use, requiring a conditional zoning certificate and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 8, Section 801.

Conditional Zoning Certificate - A written authorization issued in accordance with Article 8 to allow certain specific developments that would not otherwise be allowed in a particular zoning district.

Congregate Care Living Unit – A form of senior housing which permits independent living by seniors but combines privacy and companionship with private bedroom or living units and shared common areas for living space, social

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activities, dining, and amenities. Such facilities shall be designed to accommodate the special needs of elderly and/or infirm residents which may include wheelchair accessibility, emergency intercoms or call buttons, provisions of meals, housekeeping, social services, and transportation.

Continuing Care Facility – A campus, or comparable coordinated complex with facilities and services intended to provide habitation and continuing care for individuals, or couples of which either one is aged fifty-five (55) years or over, and consisting at a minimum of Assisted Living Units and/or nursing care living units, but may also include independent Living Units, and all normal and necessary support facilities associated with continuing care facilities, including congregate dining provisions, recreational opportunities, personal care needs, the sale of accessory retail goods and services within the complex, nursing and other health care services, and other environmental settings and enhancements to meet all other reasonable needs of the residents.

Contractor (for Article 9) - Any third party engaged by an owner or producer to conduct drilling, producing and other operations.

Cul-de-sac - A street or road, one end of which intersects with another existing street or road and the other end of which terminates in a vehicular turnaround.

Customer Service Line - Any pipeline or continuous conduit used for the purpose of transporting gas or oil to some or any structure where it is to be directly used for heating or any other purpose other than those listed for Transmission or Gathering Lines.

District - A portion of the area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

Division (for Article 9) - Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

Domestic Employee - A person living on the same premises of a property owner or lessee and providing personal services to the owner or lessee.

Dormant Well - An oil and gas well that meets all of the following criteria:

- a. The owner of the well has received a permit under existing law to drill, re-open, convert the well or plug it back to a new source of supply from the Chief of the Division of Oil and Gas in the Department of Natural Resources.

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- b. Drilling on the well has been completed.
- c. The well is capable of production.
- d. The well has been out of production for at least six months and
- e. The owner has not applied to the Chief for a permit to plug and abandon the well under existing law.

Drive-In - A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons in the motor vehicle.

Driveway - A private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

Dry Hydrant - A standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting. The standpipe shall be fitted with a head connection compatible with the equipment of the Munson Fire Department.

Dwelling - Any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein.

Dwelling Unit - One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.

Dwelling, Single-Family - A building containing one dwelling unit on an individual lot.

Dwelling, Two-Family - A building containing two dwelling units which may be either attached side-by-side or one above the other. Each unit shall have a separate entrance.

Dwelling, Multiple-Family - A building containing three or more dwelling units, including townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.

Easement - Authorization by a property owner for use by another for a specified purpose, of any designated part of his property.

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Extraction of Oil, Natural Gas and Hydrocarbons - Exploration for such substances; storage thereof; drilling, reopening, operation, maintenance, plugging and plugging back to another source of oil and gas wells.

Family – one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

Fence - Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition

Finished Lot Grade Level – The elevation of the final grade of the ground on a lot within six (6) feet of the foundation or base of a building or structure.

Fire Department Water Resource – A year round source of water capable of, at a minimum, supplying 1,000 gallons per minute for a continuous two hour period under all weather conditions. Such water resource shall be equipped with a hydrant that will permit withdrawal of water and be compatible with the equipment of the Munson Fire Department.

Fixture, full cut-off lighting – a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

Flood Plain - A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

Freestanding Solar Energy Array – is any combination of Solar Energy Panels or combination of devices or elements not roof or wall mounted which rely on direct sunlight as an energy source, including but not limited to, any substance or device which collects sunlight for use in generating electricity, heating or cooling.

Garage, Private - A detached accessory building or a portion of a main building, intended for the parking or storage of occupant's automobiles, recreational vehicles, boats, or other vehicles.

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Garage, Public - A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

Gas - All natural gas and other fluid hydrocarbons not defined herein as oil, including condensate.

Gas and/or Oil Well - Any bore hole, whether drilled or bored, for production, extraction or injection of any gas or liquid mineral, excluding potable water, to be used as such but including natural or artificial brines and oil-filled waters.

Gathering Line (for Article 9) - Any pipeline or continuous conduit used for the purpose of transporting oil and gas from the well to some or any common collection point or a point of direct utilization of the gas and oil.

Geriatric Center - A planned organized facility or community center dedicated primarily to serving the elderly by providing medical and geriatric services, various types of housing, open space, educational and recreational opportunities, and health services to the surrounding community. This definition does not include a nursing or convalescent home.

Glare - The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Glare, direct - The glare resulting from the human eye being able to see the light-emitting portion of a light fixture.

Golf Course - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three golf courses. Specifically excluded would be independent driving ranges and any miniature golf courses.

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

Hospital - A building containing beds for patients and devoted to the medical diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff.

Hotel - See "motel".

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Industrialized unit – A structure as defined in Ohio Revised Code 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101.2-1-62(A).

Junk – Means waste, discarded or salvaged materials including, but not limited to scrap metals, building materials, batteries, glass, paper, rags, rubber, cordage, barrels, machinery and junk vehicles or parts thereof.

Junk Vehicle – Means any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Junkyard - An area (whether inside or outside of a building) used for the storage, keeping, abandonment, salvage, buying or selling of junk, scrap metals, paper, rags or other scrap materials, or for the dismantling, demolition, storage, or abandonment of currently unlicensed motor vehicles.

Kennel - Any lot or premises on which four or more domesticated animals more than six months of age are raised, boarded, trained, or sold.

Lattice – A framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

Living Space – Any area within a building fit for human habitation which meets the basic requirements of the Geauga County Residential Building Code and may be used for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, laundries, storage spaces, or ceiling features such as vaults and coffers.

Living Unit – A room or group of rooms, intended for independent residential living, which may be occupied by one or more persons, and which is associated with congregate facilities intended to serve the needs of the residents such as a common dining area, social or group activity areas, assistance or caregiver facilities, etc. “Living Units” may include dormitory living units, Congregate Care Living Units, Assisted Living Units, and/or nursing care living units.

Loading/Unloading Space – A space provided for pick-ups and deliveries for commercial and industrial uses.

Lot - A parcel of land with fixed boundaries and not divided by a road as established by deed records or plats on file in the Geauga County Recorder's Office.

a. Corner Lot - A lot located at the intersection of two or more roads.

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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.

Lot Depth – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.

Lot Line - Any recorded line serving to define the boundaries of a given lot.

- a. Front Lot Line - The boundary of a lot adjacent to a public or private road right-of-way.
- b. Rear Lot Line - The property line opposite the front lot line except where the lot is triangular. If the principal building on a triangular lot faces an angle thereof, one side of which is the front lot line, then the rear lot line is opposite such angle.
- c. Side Lot Line - A lot line extending from one extremity of the front lot line to one extremity of the rear lot line.

Lot Width - The distance between straight lines connecting the front and rear lot lines at each side of the lot measured at the front lot line and at the minimum building setback line, and measured at all points continuously along said straight lines from the front lot line to the minimum building setback line inclusive.

Manufactured home – A building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06(C)(4).

Manufactured home park – Any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in Ohio Revised Code Section 3733.01(A).

Mineral Extraction Operation - Any operation, including accessory buildings, roads, or structures involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral extraction is an interim land use and such operations shall possess a plan for ultimate use of the property.

Mobile home – A building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.0(O), and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to

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the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A “mobile home” does not mean an “industrialized unit”, “manufactured home” or “recreational vehicle” as defined in this resolution. A building or nonself-propelled vehicle is a “mobile home” whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

Monopole – A structure composed of a single spire used to support communications equipment.

Motel/Hotel - A building or group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling.

Natural Grade -- The unaltered elevation and contour of the ground surface.

Nonconforming Lot - A single lot of record lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, which does not conform to the requirements established by this Resolution, or subsequent amendments thereto, for the district in which the lot is located.

Nonconforming Structure - A structure lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on a lot, bulk or other requirements concerning the structure.

Nonconforming Use - A use of land lawfully existing at the effective date of adoption of this Resolution, or subsequent amendments thereto, that could not be permitted under the terms of this Resolution by reason of restrictions on the district and does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.

Nursery, Child Care - A building used for the commercial care of five (5) or more children who are not members or wards of the owner or his immediate family. All child care nurseries shall possess an appropriate license from the Ohio Department of Public Welfare as required.

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.

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Nursing Home and/or Convalescent Home - A residence or facility licensed by the State of Ohio for the care of children, the aged or infirm, or for convalescents of any age, but not for the care of the feeble-minded or the insane.

Oil - Crude petroleum oil and all other hydrocarbons, regardless of specific gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Oil and Gas - Oil or gas or both.

Open Space - An area of land which is undeveloped and preserved in a natural state substantially undisturbed by man-made improvements or alterations. Open space areas may include open fields, woodlands, water bodies, and storm detention basins. Play fields and recreational facilities shall not be considered open space.

Open Storage - Storing or keeping of tangible property not enclosed in a building.

Owner (for Article 9) - The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

Parking Lot - An off-street area designed for parking of vehicles, including driveways and aisles.

Parking Space, Off-Street - A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.

Personal Wireless Services - Commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

Personal Wireless Service Facility - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c) (7).

Place of Public Assembly - Publicly-owned and operated community, civic, or recreation centers.

Place of Worship - A building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

Principal Uses - The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road - A recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a

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road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Producer (for Article 9) - The owner of a well capable of, or producing oil or gas, or both, or a person intending to produce an oil and gas well. Production shall include transmission of oil and gas within pipelines when used in this Zoning Resolution.

Public Road – A road right-of-way for public use as defined in the R.C. section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

Public Utility – Any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern.

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does market-place competition force providers to stay fairly priced?)

Public Way - An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which is dedicated, whether improved or not.

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Radio – The communication of impulses, sounds, and pictures through space by electromagnetic waves.

Recreational Use - For the purpose of this Resolution, recreational use shall include but not be limited to the following: golf courses, skiing facilities and swimming facilities.

Recreational vehicle – A portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.

Research Activities - Research, development and testing related to, but not limited to, such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration, or odor shall be detected outside such building.

Resolution - The Munson Township Zoning Resolution.

Restaurant, Carry-Out - An establishment whose primary function is the offering of food and beverages which are sold only inside the building and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.

Restaurant, Drive-In - An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Restaurant, Sit-Down - An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.

Retail - Sale to the ultimate consumer for direct consumption and/or use and not for resale.

Riding Academies - Facilities designed or used for the renting of horses and/or the instruction of horse riding, including any barns, exercise areas, and field areas to be used in the operation.

Right-of-way - All land purchased or dedicated for use as a public way or land reserved as an easement for private use as a road or street for ingress or egress. In addition to the roadway, it may incorporate the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the

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topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Road - A public or private thoroughfare (whether known as a highway, road, street, avenue, lane or other such term) which affords the principal access to an adjacent lot or parcel of land.

- a. Road Line - the dividing between a lot or a parcel of land and a road affording the principal access to such lot or parcel. Road Line is synonymous with Road Right-of-way.
- b. Road Grade Line - the elevation of the centerline of a road as established by construction or usage at the section of road in question.

Roof and Wall Installed Solar Panels – is any voltaic cell or device which gathers light for the purpose of generating energy and which is incorporated into a wall or roof of a structure and becomes an integral part thereof.

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

Screening - Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from offensive noise or light.

Seat - For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews, or space for loose chairs.

Setback Line - A line parallel to the front lot line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line.

- a. Front Setback Line - An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. (See Illustration below)
- b. Side Setback Line - An imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the side lot line. (See Illustration below)

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- c. Rear Setback Line - An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal building is to be set back from the rear lot line. (See Illustration below)

Sign - Any structure, device or surface which is used, displayed or posted in order to attract public attention or to communicate to the public.

- a. Billboard - Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.
- b. Directory Sign - Any sign on which the names and locations of occupants and/or use of the building is given.
- c. Election Sign - Any temporary sign designed to promote election information or other issues before the voters.
- d. Flat or Wall Sign - Any sign attached to or painted on the wall of a building with the face in a plane parallel to such wall, and not extending more than twelve inches from the face of such wall.
- e. Freestanding Sign - Any temporary, mobile or portable sign or sign structure not securely or permanently attached to the ground or to a building.
- f. Ground Sign - Any sign supported by one or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.

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- g. Home Occupation Sign - A sign presenting outward evidence of a home occupation.
- h. Mobile or Portable Sign – A sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, or other mobile devices, including, but not limited to tethered and anchored balloons.
- i. Off-site Sign – Any sign located on property other than owned or leased by the entity having or hosting a particular event.
- j. Projecting Sign - Any sign which is attached perpendicular to any building or structure and extends more than twelve inches beyond the surface of that portion of the building or structure.
- k. Real Estate Sign - Any sign advertising or announcing that a structure or parcel of land is for sale or rent.
- l. Roof Sign - Any sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building on which it is located.
- m. Sign Face – That portion of the surface of a sign structure where words, graphic illumination, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed.
- n. Temporary Sign – A sign that is designed and meant to be erected only for a limited time period as specified in this Resolution and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Any sign that is intended to draw attention to a particular event or occurrence including, but not limited to elections, sales and festivals.

Site – For the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure.

Soil Map - Part of the Munson Township Zoning Resolution containing explanatory data consisting of surficial geology, soil types, slope classes, and significant features such as rivers, streams, quarries, etc.

DEFINITIONS

Solar Energy Panel – is a solar photovoltaic panel or solar hot air or water panel collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or transfer of heat.

Soliciting - The practice of going in and upon private residences in the township by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise who have not been requested or invited to do so by the owners or occupants of such private residences, for the purpose of selling goods, wares, merchandise or services.

Stables - Facilities designed or used for the commercial boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.

Staff Housing – Living Units designed and intended for use by the instructors, administrative staff, or health care providers.

Stealth facility – Any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

Story - The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is no floor above, then the ceiling next above. The floor of a story may have split- levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

Story, Half - An uppermost story lying under a gambrel, hip, gable or shed roof if used, in whole or part, for dwelling or habitable purposes.

Street - See Road.

Structurally Alter - To change any characteristic of a building or structure reflected in the application for the certificate issued for its original construction or in any applications for a certificate issued with respect to it after its original construction. If no such certificates have been issued, "structurally alter" means to change any characteristic of a building or structure as it exists on the effective date of this Resolution and which characteristic would be set forth in an application for a certificate for its construction on that date.

DEFINITIONS

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Structure Height – The vertical distance of the structure as measured from the finished lot grade level to the highest point of a structure.

Student Housing – Living Units designed and intended for the housing of boarding students of a private academic school.

Swimming Pool - Any artificially constructed pool, including a hot tub, which contains a depth of water of at least one and one-half feet at any point used or intended to be used for swimming, bathing, or recreational purposes including any accessory recreational structures.

Technically suitable – The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.

Telecommunications – Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

Telecommunications tower – Any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(a-e) and this resolution.

Temporary Use or Structure - A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

Tower – A structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications.

Townhouse - Two single-family dwelling units with a common sidewall.

Township - The Munson Township located in Geauga County of the State of Ohio.

Transmission Line (for Article 9) - Any pipeline or continuous conduit used for the purpose of transporting oil and gas from some or any collection point to some or any other distribution point.

DEFINITIONS

Unlicensed wireless service – The offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services.

Variance - A variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures as stated in Article 12, Section 1202.

Veterinary Animal Hospital or Clinic - A place used for the care, grooming, diagnosis, and treatment of sick, ailing, 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.

Well Site - Shall be defined to include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.

Wireless Telecommunications Antenna – An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator.

Wireless Telecommunications Equipment Shelter – The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility – A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

Yard - The open space lying between the front, side or rear building line and the nearest lot line which is unoccupied except for accessory buildings or storage not prohibited in such yards by this Resolution.

- a. Front Yard - The open space lying between the front lot line and the building line nearest thereto. In the case of a corner lot, the front lot line shall be designated by the owner at the time of application for a zoning certificate.

DEFINITIONS

- b. Side Yard - The open space lying between the side lot line and the building line of the primary building nearest thereto.
- c. Rear Yard - The open space lying between the rear lot line and the building line of the primary building nearest thereto.

Zoning Certificate - A document issued by the Zoning Inspector, in accordance with the regulations specified in this Resolution, certifying that the use of lot or structure is in conformance with this Resolution.

Zoning Commission - The Zoning Commission of Munson Township, Geauga County, Ohio.

Zoning District - See District.

Zoning Inspector - The Zoning Inspector or his authorized representative, appointed by the Township Trustees of Munson Township, Geauga County, Ohio.

Zoning Map - The Zoning Map of Munson Township as adopted as part of this Resolution. The original of the Zoning Map is signed by the Township Trustees.