

ZONING REGULATIONS
Lagrange Township

Revised 12/2005

ARTICLE I.....	7
TITLE AND PURPOSE.....	7
101: TITLE.....	7
102: PURPOSE.....	7
103: EFFECTIVE DATE.....	7
ARTICLE II.....	7
DEFINITIONS.....	8
201: INTERPRETATION OF TERMS OR WORDS.....	8
202: DEFINITIONS.....	8
ARTICLE III.....	22
GENERAL REGULATIONS.....	22
301: PURPOSE.....	22
302: CONFORMANCE REQUIRED.....	22
303: GENERAL LOT AREA REGULATIONS.....	22
304: GENERAL YARD REQUIREMENTS.....	22
305: YARD EXCEPTIONS.....	23
306: EXCEPTIONS TO HEIGHT LIMITS.....	23
307: BUILDING REGULATIONS.....	24
308: NONCONFORMITIES.....	25
309: SUBMISSION OF PLANS.....	26
310: PERFORMANCE STANDARDS.....	29
311: ENFORCEMENT PROVISIONS.....	30
312: ENVIORNMENTAL AND ECONOMIC ASSESSMENT.....	30
313: AGRICULTURAL USE RESTRICTIONS.....	32
314: DRIVEWAY AND DITCH ENCLOSURES.....	32
315: TRUCK PARKING (Effective 5/11/04).....	33
316: FENCES (Effective 1-10-07).....	33
317: WIND TURBINES (Effective 01/14/10).....	334
ARTICLE IV.....	36
ESTABLISHMENT OF DISTRICTS.....	36
401: PURPOSE.....	36
402: DISTRICTS.....	36
403: ZONING MAPS.....	36
404: THE INTERPRETATION OF DISTRICT BOUNDARIES.....	36
ARTICLE V.....	38

CONDITIONALLY PERMITTED USES.....38

501: GENERAL REQUIREMENTS..... 38
502: EXTRACTION OF STONE, MINERALS AND TOP SOIL ("A" "B" "I")..... 38
503: HOME OCCUPATION ("A")..... 40
504: PARKS AND PLAYGROUNDS ("B")..... 41
505: PROSPECTING OIL AND GAS ("A" "I")..... 41
506: CHURCH ("B" "A")..... 45
507: RECREATIONAL CAMPGROUNDS ("A") ("FP")..... 46
508: EARTH SHELTER DWELLING UNIT..... 48
509: GOLF COURSES 49
510: VETERINARY HOSPITAL OR KENNELS "A" "B" 50

ARTICLE VI.....52

“A” AGRICULTURAL RESIDENTIAL DISTRICT.....52

601: PURPOSE..... 52
602: PERMITTED USES..... 52
603: CONDITIONALLY PERMITTED USES 52
604: LOT AND YARD REQUIREMENTS..... 53
606: PLANT NURSERY ("B")..... 54
607: PRIVATE GAS WELLS 55
608: CONVERSION OF A SINGLE FAMILY DWELLING UNIT TO A TWO FAMILY DWELLING UNIT..... 55
609: ROADSIDE STANDS..... 55
610: PRIVATE SWIMMING POOLS ("A")..... 55
611: AGRICULTURAL OR RESIDENTIAL PONDS 56
612: RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA ("A")..... 57
613: MAXIMUM BUILDING HEIGHT..... 58
614: REQUIRED MINIMUM LIVING AREA..... 58
615: PERMITTED SIGNS 59
616: OFF STREET PARKING AND LOADING..... 59
617: GENERAL REGULATIONS..... 59
618: B-1 DISTRICT 59

ARTICLE VII.....60

"B" GENERAL BUSINESS DISTRICT.....60

701: PURPOSE..... 60
702: TYPICALLY PERMITTED USES..... 60
703: BUILDING HEIGHT LIMIT 61

704: REQUIRED LOT AREA	61
705: YARD REQUIRED	62
706: PERCENTAGE OF LOT COVERAGE	62
707: SUBMISSION OF PLANS	62
708: PERMITTED SIGNS	62
709: OFF-STREET PARKING AND LOADING	62
710: GENERAL REGULATIONS	62
ARTICLE VIII	62

“I” LIGHT INDUSTRIAL DISTRICT.....63

801: PURPOSE	63
802: AREA	63
803: PERMITTED USES	63
804: BUILDING HEIGHT	69
805: LOT AND YARD REQUIREMENTS	70
806: SUBMISSION OF PLANS	70
807: STREETS, SEWERS, AND WATER LINES	71
808: BUFFERING	71
809: PERMITTED SIGNS	74
810: OFF-STREET PARKING AND LOADING	74
811: GENERAL REGULATIONS	74
812: ADULT USES/SEXUALLY ORIENTED BUSINESSES	74
ARTICLE IX	80

“FP” FLOOD PLAIN DISTRICT.....80

901: PURPOSE	80
902: PERMITTED USES	80
903: CONDITIONALLY PERMITTED USES	80
904: SUBMISSION OF PLANS	81
905: TOWNSHIP LIABILITY	81
906: PERMITTED SIGNS	81
907: OFF-STREET PARKING AND LOADING	81
908: GENERAL REGULATIONS	81
909: CONSTRUCTION REQUIREMENTS	81
ARTICLE X	82

SIGNS.....82

1001: INTENT	82
1002: GENERAL	82
1003: RESIDENTIAL DISTRICTS	83

1004: BUSINESS DISTRICTS	83
1005: INDUSTRIAL USES	84
1006: SETBACK REQUIREMENTS	84
1007: YARD PROVISION	84
1008: ALLOWED SIGNS	85
1009: LETTERING	85
1011: TEMPORARY SIGNS	86
1012: PROHIBITED DEVICES	86
1013: ADMINISTRATION	87
1014: PENALTY, REMOVAL	87
ARTICLE XI	88

OFF STREET PARKING.....88

AND LOADING FACILITIES.....88

1101: GENERAL REQUIREMENTS	88
1102: PARKING SPACE DIMENSIONS	88
1103: LOADING SPACE REQUIREMENTS AND DIMENSIONS	88
1104: PAVING	89
1105: DRAINAGE	89
1106: MAINTENANCE	89
1107: LIGHTING	89
1108: LOCATION OF PARKING SPACES	89
1109: SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY	89
1110: REQUIRED TRASH AREAS	90
1111: DISABLED VEHICLES	90
1112: MINIMUM DISTANCE AND SET BACKS	90
1113: JOINT USE	90
1114: WHEEL BLOCKS	91
1115: WIDTH OF DRIVEWAYS	91
1116: ACCESS	91
1117: STRIPING	91
1118: PARKING SPACE REQUIREMENTS	91
1119: GENERAL INTERPRETATIONS	94
1120: PLOT PLAN REVIEW	94
ARTICLE XII	94

PROHIBITED USES.....94

1200: PURPOSES	94
1201: DUMPING	95

1202: Junk Yards	95
1203: Storage of Junk Vehicles and Parts	95
1205: Cabins for transient use	96
1206: Exotic and/or wild animal farms	96
1207: Manufacturing or storage of explosives, gunpowder, or fireworks	96
1208: Distilling of bones, fat or glue, or glue or gelatin manufacturing	96
1209: Sludge application in compliance with Lorain County Health Department regulations and applicable state laws and regulations	97
1210: Any use which constitutes a nuisance under ORC 3767.01© shall be prohibited in all districts of the Township, including but not limited to outdoor theaters, slaughter houses, breweries, metallic powder works, and chemical plants	97
ARTICLE XIII	97

ADMINISTRATION - ENFORCEMENT.....97

1301: ZONING PERMITS	97
1302: FAILURE TO OBTAIN A ZONING PERMIT	99
1303: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES	99
1304: COMPLAINTS REGARDING VIOLATIONS	99
1305: SCHEDULE OF FEES, CHARGES AND EXPENSES	100
1306: ZONING AMENDMENTS	100
ARTICLE XIV	103

ZONING BOARD OF APPEALS.....103

1401: PURPOSE	103
1402: ORGANIZATION AND PROCEDURE	103
1043: GOVERNING GUIDELINES	105
1404: JURISDICTION AND POWERS	105
1405: PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES	106
1406: PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES	110
1407: DECISION OF THE ZONING BOARD OF APPEALS	112
1408: DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEALS	113
1409: APPEAL TO COURTS	113
ARTICLE XV	114

<u>PENALTIES FOR VIOLATION.....</u>	114
1501: PENALTIES FOR VIOLATION.....	114
1502: CIVIL ACTION.....	114
1503: REMEDIES CUMULATIVE	114
<u>ARTICLES XVI.....</u>	115
<u>MISCELLANEOUS PROVISIONS.....</u>	115
1601: INTERPRETATION.....	115
1602: VALIDITY.....	115
1603: EFFECTIVE DATE.....	115
1604: REPEAL.....	115
<u>ARTICLE XVII.....</u>	116
<u>“R-1” MEDIUM DENSITY RESIDENTIAL</u>	116
1701: PURPOSE.....	116
1701A Area.....	116
1702: PERMITTED USES.....	116
1703: CONDITIONALLY PERMITTED USES.....	116
1704: YARD AND LOT REQUIREMENTS.....	116
1706 PRIVATE SWIMMING POOLS.....	117
1707 PONDS	117
1708 MAXIMUM BUILDING HEIGHT	117
1709 REQUIRED MIMIMUM LIVING AREA	117
1710 PERMITTED SIGNS.....	117
1711 OFF STREET PARKING AND LOADING.....	117
1712 GENERAL REGULATIONS	118
Effective May, 19, 2005.....	118
<u>Appendix A-1</u>	118
<u>Zoning Map.....</u>	119

ARTICLE I
TITLE AND PURPOSE

101: TITLE

This resolution shall be known and may be cited as the Zoning Resolution of Lagrange Township.

102: PURPOSE

For the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economic provisions of public improvements all in accordance with a comprehensive plan, the Township Trustees find it necessary and advisable to regulate the location, bulk, and size of building and other structures and the uses of land for trade, industry, residence, recreation, or other purposes, and for such purposes divide the unincorporated area of the township into districts and zones.

103: EFFECTIVE DATE

These resolutions shall become effective when adopted by the Lagrange Township Zoning Commission and the Lagrange Township Trustees.

Effective date November 15, 2000 in the township of LAGRANGE in the State of OHIO by

Zoning Commission:

Ronald Pickworth
Cindy Abahazi
Guy Page
Ronald Harmon
Ralph Spieth
John Prince, Alt

Board of Trustees:

Barbara Harper
Gary Burnett
Rita Canfield
Clerk – Roberta Dove

ARTICLE II

DEFINITIONS

201: INTERPRETATION OF TERMS OR WORDS

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- C. The words "used" and "occupied" include the words "intended, designed or arranged to used or occupied".
- D. The word "lot" includes the words "plot" or "parcel".

202: DEFINITIONS

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use of structure.

Agriculture: The cultivation of land for the production of crops or the keeping of animals and includes farming, dairying, pasturage, and apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Agriculture Production: The production for commercial purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs nursery stock and vegetables.

Airport: Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings, and open spaces.

Alley: See Thoroughfares.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Arterial Street: See Thoroughfares.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Trailer and Farm Implement Sales and Service: The sale, rental, or service of new and used motor vehicles, mobile homes, trailers, or farm implements.

Automobile parts or motor vehicle parts: means and includes any portion or part of any automobile or motor vehicle that is detached from the automobile or motor vehicle.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Billboard: A fixed or portable appliance, structure or surface including the supporting structures made necessary thereby, which is erected upon the ground or wall of a building but not above the roof of a building and which is used for the display of posters, electrical displays or pictorial or reading matter, for the benefit of a person, organization, business or cause not residing on the lot or building where said appliance is to be located.

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Accessory: A subordinate building detached from, but located on the same lot as the principal building, of use of which is incidental and accessory to that of the main building or use.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the main height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See Set Back Line.

Building Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to activities as supermarkets, stores that sell hardware, apparel, foot wear, appliances and furniture,

department stores, and discount stores. Highway business uses include, but need not be limited to, such activities as service stations, truck and auto sales and service, restaurants and motels; and commercial recreation.

Business Services: Any activity conducted for gain, which renders services primarily to other commercial or industrial enterprises, or which services and repair appliances and machines used in homes or business.

Capability: (Soil) The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

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

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Club: A building, or portion thereof, or premises owned or operated by person(s) for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Vehicles: One commercial vehicle is permitted to be parked outside, per address. A commercial vehicle is defined as any vehicle or combination of tractor and trailer with a gross vehicle weight rating of 26,000 lb. or more.

Conditional Use: A use of buildings or land which, by the nature of it, requires review by the Board of Appeals, as set forth in Section 1406 in order to determine its affect upon adjacent existing uses.

Conditional Use Permit: A use issued by the Zoning Inspector upon approval by the Board of Appeals to allow a use other than a normally permitted use to be established within the district.

Corner Lot: See Lot Types.

Debris: Rough broken bits of pieces of stone, wood, glass, as after destruction; rubble, litter. For purposes of this resolution and O.R.C. Section 505.87, the term shall include junk vehicles.

Disabled Vehicle: Any vehicle meeting the following two conditions:

- A. Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission.
- B. Apparently inoperable.

District: A park, zone or geographic area within the township within which certain zoning or development regulations apply.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

Dwelling-Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.

Dwelling: Any building or portion, which is designated as the primary dwelling structure and designed for human habitation.

Dwelling - Single Family: Any group of rooms located within a residential building (Item A below) which is utilized by one family as opposed to two families for its living, sleeping, cooking and eating needs.

- A. **Residential - Building:** Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances which is designed for occupancy as a dwelling and conforms to all applicable codes.

Dwelling - Two Family: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other with adequate bathroom and kitchen facilities in each unit and each unit having separate or combined entrances.

Easement: Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

Entertainment Facility: Any profit making activity that is generally related to the entertainment field.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical steam or water transmission, or distribution systems, collection, communications, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: One (1) or more persons occupying a single dwelling, provided that there shall not be more than three (3) persons in addition to those related by blood, adoption or marriage or who are children placed in the dwelling by a social agency.

Farm: Includes tracts, lots and/or parcels of land totaling not less than five (5) acres that are devoted exclusively to commercial agricultural production.

Financial Institution: Those institutes engaged in receiving, exchanging, lending and safeguarding monies.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

- A. **Base Flood:** Means the flood having one (1) percent chance of being equaled or exceeded in any given year.
- B. **Floodplain:** Means any land area susceptible to being inundated from any source.
- C. **Floodway Fringe:** Is that portion of the base flood plain located outside the regulatory floodway.
- D. **Regional Floodplain:** does the base flood inundate the area. This is the flood plain area that shall be regulated by the standards and criteria of this resolution.
- E. **Regulatory Floodway:** The channel of a river or the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more then .5 foot.

Floor Area of a Residential Dwelling: The sum of the gross horizontal area of the several floors of a residential dwelling, excluding basement floor areas not devoted to residential use, but not including the area of roofed porches and roofed terraces. All dimensions shall be measured between outside walls.

Floor Area of a Non-Residential Dwelling: (to be used in calculating parking requirements) The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the outside walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garage, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises, provided that not more than one (1) commercial vehicle per dwelling unit is parked or stored.

Garage, Public: A principal or accessory building other than a private garage, used for

parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage Sales: No sale of tangible personal property, including, but not limited to a garage sale, a yard sale, a basement sale or a rummage sale, shall be permitted more than three (3) times per year, per lot. Such sales shall not exceed 72 hours in duration. Trustees may establish a permit process and fee schedule.

Greenhouse: A building used for the purpose of growing plants for sale at wholesale or retail. A greenhouse may only be used for the sale of the plants grown on the lot in conformance with the regulations applicable to an agricultural roadside stand.

Highway Major: A street or road of considerable continuity and used primarily as a traffic artery for inter-communication among large areas.

Home Occupation: An accessory use of a lot, on which a dwelling unit is maintained as the main use, for gainful employment or profit by one or more persons residing in the dwelling, and involving the manufacture, provision, or sale of goods and/or services including storage. A home occupation may also be conducted in a dwelling on a lot where agriculture is the main use.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding house, a lodging house or an apartment, which are herein separately defined.

In-Law Suites: A suitable room or rooms adjoining a home structure, or within the confines of the home structure, but excluding a kitchen or kitchen facilities can constitute an IN-LAW Suite.

Inoperable: Any inoperable farm equipment, trucks, implements, discarded parts of machinery, tires, or any discarded home appliances. Note: See guidelines for Junk Yards.

Institution: Building and/or land designed to aid individuals in need of mental therapeutic, rehabilitative counseling, or correctional services.

Junk Yard: The use of more than one hundred (100) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, stored, packed, sorted, disassembled, dismantled or handled. In addition to the preceding, more than two (2) disabled or unlicensed motor vehicles or inoperable equipment also constitutes a junkyard.

Kennel or Cattery: Any lot or premises on which four (4) or more dogs or cats more than (4) months of age are housed, groomed, bred, boarded, trained or sold.

Licensed motor vehicle: Means and includes any type of motor vehicle used to useful for the conveyance of person or property and which bears a license plate or plates issued for the current licensing year by any State, the US, or any recognized foreign government.

Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of twelve (12) by forty (40) feet and vertical clearance of at least fourteen (14) feet.

Local Street: See Thoroughfare.

Lot: For the purpose of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion bounded by a street or road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets are classed as frontage.

Lot, Minimum Area Of: The area of a lot is computed inclusive of any portion of the right-of-way of any public street.

Lot Measurements: A lot shall be measured as follows:

- A. **Depth of a lot** shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. **Width of a lot** shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot.

Lot of Record: A lot that is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has

been so recorded.

Lot Types: Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

- A. A **corner lot** is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- B. An **interior lot** is a lot other than a corner lot with only one (1) frontage on a street.
- C. A **through lot** is a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as a double frontage lot.

Major Thoroughfare Plan: The plan adopted by the Lorain County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated areas.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures and generating little industrial traffic and nuisances.

Manufacturing - Extractions: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Mobile Home: A modular unit built on a chassis, with body width exceeding eight (8) feet or body length exceeding thirty-two (32) feet, designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities.

Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated sub-elements that are to be incorporated into a structure at the site.

Motor vehicle unfit for further use or junk motor vehicle: Means and includes any type of motor vehicle used or useful for the conveyance of persons or property, extensively damaged, such damage including but not limited to, any of the following: missing wheels, tires, motor, transmission, or body parts; apparently inoperable; and having a fair market value of four hundred dollars or less, or is in a condition generally as

to be unfit for further conveyance, whether licensed or unlicensed.

Motor vehicle in an inoperative condition: Means and includes any type of motor vehicle used or useful for the conveyance of persons or property and which is unable to move under its own power due to defective or missing parts, whether licensed or unlicensed.

Non-Conformities: A building, structure or use of land existing at the time of enactment of this resolution, and which does not conform to the regulation of the district or zone in which it is situated.

Nursery, Nursing Homes: A home or facility for the care and/or treatment of babies, children, pensioners, or elderly people.

Office: A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is transacted.

Open Spaces: An area substantially open to the sky that may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Owner: Includes but is not limited to any person owning a fee simple, fee title, life estate, or a buyer on a land installment contract.

Parking Spaces - Off Street: For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Personal Services: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershop, beauty parlors, and similar activities.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Plant Nursery: The use of a lot for planting and growing trees, shrubs, perennials, or other plants in the ground or in containers planed on the ground, for the purpose of sale at wholesale or retail. A plant nursery may only be used for the sale of the plants grown on the lot in conformance with the regulations applicable to an agricultural roadside stand.

Printing and Publishing: See Manufacturing, Light.

Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage service.

Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Recreation Camp: An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreational Facilities - Non-Commercial: Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, hunting and trapping, and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.

Recreational Facilities - Commercial: Recreational facilities established and operated for a profit such as commercial golf courses, swimming pools, and similar commercial enterprises.

Recreational Vehicle: A vehicle regardless of its size, which was not designed to be used as a permanent dwelling, and in which the plumbing, heating, electrical and air-conditioning systems included within the structure may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle for use as a temporary dwelling for travel, recreation and vacation use such as travel trailers, folding tent trailers, pick-up campers and motorized homes.

Refuse: Anything thrown away such as, waste, trash, rubbish, or, rejected as worthless. For purposes of this resolution and O.R.C. Section 505.87, the term shall include junk vehicles.

Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment such as grade separation, landscaped areas, viaducts, and bridges).

Road: See Thoroughfare.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products grown on the lot on which the stand is located.

Seasonal Commercial: Sale of produce in season, a majority of which was raised on the land owned or leased by the same organization as where the sale is occurring.

Seat: For 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 (24) lineal inches of benches, pews, or space for loose chairs.

Semi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals and other structures of an educational, religious, charitable or philanthropic nature.

Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard for each district and extending across the full width of the lot. Where the right-of-way line is not established the right-of-way shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from center of road.

Sewers, Central or Group: An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, Individual: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for elimination of sewage and provides for the proper and the safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

- A. **Sign, On-Premises:** Any sign related to a commodity or service sold or offered upon the premises where such sign is located.
- B. **Sign, Off-Premises:** Any sign unrelated to a commodity or service sold or offered upon the premises where such sign is located.

- C. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- D. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination or a sign.
- E. **Sign, Projecting:** Any sign which projects from the exterior of a building.

Slaughterhouse: An establishment where animals are butchered.

Stable, Private: A building for the feeding and lodging of domesticated animals, especially having stalls for horses.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Street: See Thoroughfare.

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

Swimming Pool: A pool, pond, lake or open tank containing at least twenty-five hundred (2500) gallons capacity water at any point and maintained by the owner or manager.

- A. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.
- B. **Community:** Operated with a charge for admission, a primary use.

Thoroughfare, Street, or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads, and large volume of traffic usually on a continuous route.
- C. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

- D. **Local Street:** A street primarily for providing access to residential or other abutting property.
- E. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, providing access to abutting properties and protection for arterial or collector streets. (Also called Frontage Street.)

Transportation and Trucking: See Manufacturing.

Trailer, Small Utility: Any trailer drawn by passenger automobile, used for occasional transport of personal effects.

Unlicensed motor vehicle: Means and includes any type of motor vehicle used or useful for the conveyance of persons or property and which does not bear a license plate or plates issued for the current licensing year by any State, the US, or any recognized foreign government. This term shall not include any motor vehicle in operating condition that is not required to be licensed.

Use: The specific purposes, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification 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 the regulations would result in unnecessary and undue hardship.

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, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Warehousing: Any building or structure used for the storage of goods, raw or finished materials.

Wind Turbine:

- A. **Wind Turbine Energy Systems:** A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which primarily is intended to reduce on-site consumption of utility power.
- B. **Tower Height:** The distance from the rotor blade at its highest point to the ground.
- C. **Clear Fall/Drop Zone:** An area surrounding the wind turbine unit into which the turbine and/or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where the turbine is located.

Yard:

- A. **Yard Front:** A yard extending between side lot lines across the front of a lot and from the road right-of-way to the front of the principal building.
- B. **Yard Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. **Yard Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front yard and rear yards.

Zoning Permit: The document issued by the Zoning Inspector authorizing the use of the land or buildings.

ARTICLE III GENERAL REGULATIONS

301: PURPOSE

The general regulations as set forth herein shall apply to all districts. Where the requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

302: CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located. The Zoning Board of Appeals may issue conditional zoning certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

303: GENERAL LOT AREA REGULATIONS

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

- A. Lot Area Exception for Existing Certain Substandard Lots. Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution, and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulation for the district in which located.
- B. Corner Lots. The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall be not less than thirty-five (35) feet from the right-of-way line.
- C. Street Construction. No new streets or roads shall be permitted to be constructed, neither shall the same be accepted as public roads, in a residential district which will permit any already existing structure to remain in non-compliance with the setback building requirements outlined in this or any other section of the Zoning Resolution.

304: GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.

- A. Yard for Single Building. No required yard or other open space around a building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot should be considered as providing the yard or open space on the lot whereon a building is to be erected or established.
- B. Clear View of Intersecting Streets. In all zones which require a front yard, no obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of the street property lines of the projected point.
- C. Driveway Requirements. Driveways must be built and maintained to specifications of the Lorain County Engineers office. Existing driveway drainage tile not conforming to Article III, section 304.03 shall be subject to Article XV.
 - a. Driveways on lots with 125 ft. or greater frontage shall have at least a 10 ft. setback from the side property line. Driveways on lots with less than 125 ft. frontage shall have at least a 5 ft. setback from the side property line. Driveway setback can be reduced upon the recommendation of the County Engineer when there is a horizontal or vertical line of sight issue. (December 10, 2008)

305: YARD EXCEPTIONS

- A. (reserved)
- B. **ONE STORY GARAGE AS ACCESSORY BUILDING**. In residential districts one story detached garages or other accessory buildings shall be located no less than twenty-five (25) feet from side and rear property lines.
- C. (Effective 5/11/04) **MISCELLANEOUS ACCESSORY BUILDING**. No object can be used for storage if was originally manufactured for highway use or used as part of a vehicle used for transportation purposes.

306: EXCEPTIONS TO HEIGHT LIMITS

The height limitations of the Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, transmissions towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, aerials, grain lets, silos, and grain storage bins. The Zoning Board of Appeals shall approve such other uses.

307: BUILDING REGULATIONS

- A. General. No buildings or other structure shall hereafter be erected or structurally altered:

1. To exceed the height required.
 2. To accommodate or house a greater number of families than that permitted by the provisions of this Resolution.
 3. To occupy a greater percentage of lot area than permitted.
 4. To have narrower or smaller rear yards, front yards, or lot width at the building line than those permitted in this Resolution.
- B. Principle Building. No more than one principal building shall be permitted on any lot.
- C. Buildings under Construction Prior to Enactment. Nothing in this Resolution shall be deemed to require any change in plans, construction or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, provided construction is prosecuted diligently and provided further that such building shall be completed with one (1) year from the date of passage of this Resolution.
- D. Temporary Buildings.
1. During Construction. Any structure, temporary basement home or not more than one (1) house trailer or mobile home, may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than three months with one (1) three (3) month extension. A notation concerning this shall be added to the Zoning Certificate.
 2. Emergency Use. When a dwelling on any lot is destroyed or rendered inhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is repaired or reconstructed. A separate letter of approval is required, and approved sanitary facilities must be provided.
- E. Rear Houses. No principal building shall be erected on a lot that does not abut on a dedicated street of record.
- F. In-Law Suites. A suitable room or rooms adjoining a home structure, or within the confines of the home structure, but excluding a kitchen or kitchen facilities can constitute an IN-LAW SUITE.
- G. Health Board Approval. No zoning certificate shall be issued without evidence that the applicable County or State agencies have approved the proposed sanitary sewage disposal and water facilities for the use for which the zoning certificate has been requested.

- H. Airport Hazard Zones. The provisions of the Lorain County Regional Airport Zoning Regulations are in full effect where applicable.
- I. Flood Plain Zones. A permit may be issued with evidence that the Lorain County Soil Conservation Department or other applicable agency has certified that the site is not subject to predictable flooding.
- J. County Planning Commission Authority. The authority of County Planning Commission shall be observed where applicable.
- K. Submission to State Highway Director. (See Section **1301.D**). The provision of Section 1301.D is in full effect where applicable.
- L. Frontage Required for Building. No principal building shall be erected on a lot that does not abut on a dedicated street of record.
- M. Erosion and Sedimentation Control during Construction. A plan for erosion and sedimentation control during and after construction shall be included with other plans upon application for a zoning permit for sub-division of five (5) acres or more. The following principles shall be followed in developing and carrying out the plan:
 1. The smallest practical area of land should be exposed at any one time during the development.
 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 4. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 5. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
 6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 7. The development plan shall be fitted to topography and soils so as to create the least erosion potential.
 8. Whenever feasible natural vegetation should be retained and protected.

308: NONCONFORMITIES

- A. Continuance. The lawful use of a building or parcel of land existing at the time of the adoption of this Resolution may be continued, although such use of a building or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residential district.
- B. Nonconforming Lots of Record. In any "A" District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirement may be obtained only through action of the Zoning Board of Appeals.
- C. Discontinuance. If any nonconforming use of land is discontinued or abandoned for any reason for a period of two years, said use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two (2) years, such nonconforming use shall comply with the provisions of this Resolution.
- D. Change. Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- E. Extension, Enlargement, Removal. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this Resolution. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this Resolution.
- F. Destruction, Damage, Reconstruction. Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy, may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty (50) percent of its replacement cost at the time of destruction. A zoning permit for such reconstruction must be obtained. Nonconforming building or structure damaged to the extent of more than fifty (50) percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution, or with a variance from the Board of Zoning Appeals. Any damaged or burned-out homes that are not repaired must be torn down within one (1) year.

309: SUBMISSION OF PLANS

- A. Applicability. This procedure is to be applied when specified in the District Regulations and on development of five (5) acres or more.

- B. Action by Zoning Commission and Applicant. Application for developments in all multi-family, commercial (business) and industrial development districts should be reviewed by the Zoning Commission in four (4) stages:
1. Application submission of general plan including sketches.
 2. Submission of preliminary development plans and preliminary architectural drawings and site plans.
 3. Submission of final development plans and final architectural drawings and site plans.
 4. Decision of Zoning Commission given in writing to Zoning Inspector.
- C. Re-Zoning. Re-zoning from another district to the proposed classifications shall be considered during the submission of the preliminary site development plans. No zoning permits shall be issued and no building shall be permitted within the designated districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Commission. Prior to the granting of the permit, the Zoning Inspector shall receive from the Zoning Commission and the State Building Inspector an advisory report approving the proposed development plans as presented in final form as required herein.
- D. Construction and Use to be Provided in Applications. Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Commission and the building inspector of the State or other applicable agencies as designated by the Zoning Commission, authorize only the use and arrangement set forth in such approved plans and applications and amendments or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.
- E. Application Procedure.
1. The developer shall meet with the Zoning Inspector prior to the submission of the preliminary plans of the development. The purpose of the meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used; approximately the location of public and private streets; location, type and approximate acreage of all required open space. Three copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations before

a considerable amount of time and expense has been invested. A formal application and an application fee are required.

2. The Zoning Commission shall discuss with the developer the changes, if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.
3. All application submissions shall be submitted to the Zoning Commission not less than two weeks prior to the regularly scheduled meeting.

F. Preliminary Submittal Procedure and Requirement. After the application stage, the developer shall submit preliminary development plans to the Zoning Commission. These plans shall include site development and architectural plans and drawings in preliminary form that shall conform to the requirements set forth in this Resolution.

G. Submittal of Preliminary Architectural Drawings.

1. The preliminary drawings for each type of structure shall be submitted for the purpose of portraying conceptually the intended uses within the development. The submittal shall contain the height of the structure, number of units, number of square feet and elevations.
2. A licensed registered architect must prepare all architectural drawings. Such drawings must be affixed with the seal of said architect, indicating that the design of buildings or structures meets the State Building Code Standards.

H. Preliminary Submittal to Zoning Commission.

1. The Zoning Commission shall submit in writing to the petitioner the necessary revisions to be shown prior the approval of the preliminary plan, whereupon, the petitioner will submit the revised site plan and architectural drawings to the Zoning Commission on or before the last day of the month if it is to be reviewed the following month or at the next regular meeting.
2. Upon approval of the preliminary plans by the Zoning Commission, the final plan may be prepared and submitted for review.
3. Approval of the preliminary plan shall be conditional upon compliance with all other applicable statutes, resolutions and regulations of the Township, County and State.

- I. Final Submittal Procedures and Requirements. If the final site plans and architectural drawings are to be reviewed the following month by the Zoning Commission, they shall be submitted on or before the last day of the preceding month. The final site plans and architectural drawings, if not submitted in consecutive months, shall be submitted fifteen (15) days prior to any regular meeting of the Zoning Commission. All final plans must be filed in triplicate.

310: PERFORMANCE STANDARDS

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed.

- A. Fire Hazards. Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- B. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Noise. Noise that is objectionable as determined by the Trustees due to volume, frequency or beat should be muffled or otherwise controlled except during construction operations. Objectionable noise level shall be considered to be noise at or above the OSHA standard of 85 dba, which is a time weighted average of periods of five (5) minutes or more. Normal activities related to maintaining a homeowner's property (such as mowing lawn, cutting wood, using power hand tools, etc.) that produce noise levels above the noise standard should not be considered as being in violation of the noise level code. These are normal activities. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- E. Smoke. Smoke shall be controlled as much as economically possible as determined by the County Health Department or Ohio Environmental Protection Agency.
- F. Odors. No malodorous gas or matter or liquid shall be permitted which is discernible on any adjoining lot or property.
- G. Air Pollution. No pollution of air by fly ash, dust vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
- H. Glare. No direct or reflected glare shall be permitted which is visible from any

property or from any public street, road or highway.

- I. Water Pollution. Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Commission and EPA.

311: ENFORCEMENT PROVISIONS

All uses existing on the effective date of this Resolution shall conform to these performance requirements within one (1) year, provided, that an extension of up to six (6) months may be granted by the Zoning Board of Appeals. The Zoning Board of Appeals may grant extensions if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use that is likely to violate performance requirements to the Zoning Board of Appeals.

312: ENVIORNMENTAL AND ECONOMIC ASSESSMENT

These are factors to be considered by developers when preparing development plans:

A. Existing Development.

1. Existing Land Use

- a. Comparisons made between the proposed use and those existing land uses adjacent to it to determine compatibility.

2. Zoning District

- a. Is the range of zoning uses proposed in the change compatible with the range of uses allowed in the adjacent zones?
- b. Is the proposed change continuing a desirable pattern of zoning?
- c. Does the proposed change grant special privileges to the detriment of adjacent landowners?

3. Existing Residential Densities

- a. Evaluation of the proposed parcel in relation to density of proposed area vs. density of surrounding land.

4. Impact Areas and Vacant Land

- a. Comparison of proposed change with regard to development commitments of adjacent vacant land.
- b. The effects of proposed development on the development potential of adjacent vacant land.

B. Development Impact on the Township's Goals and Objectives

1. Land Use Plan
 - a. Compatibility of proposed change in relation to Land Use Plan and the Township's long-range objectives.
 - b. Conditions may change over time thus justifying the proposed change but which is not indicated in the Plan.
2. Transportation Plan
 - a. The degree to which the change would help to realize or hinder the Transportation Plan.
 - b. Determination of the ability of the change to be served adequately by future improvements.

C. Development Impact on Public Service and Utilities.

1. Sanitary Sewers and Water Lines
 - a. Impact of change on sewerage system through study of lift station capacity. If change causes lift station to exceed capacity thus requiring additional pumping and force main capacity or use of an alternative method for getting waste water to treatment plant.
 - b. Evaluation of location and size of lines serving the proposed area to determine capability of handling change.
2. Fire Protection
 - a. The need for additional fire hydrants.
 - b. Depending on the size of the development, water pressure may have to be increased to handle high-rise building.
 - c. The addition of more or special fire equipment.
3. Traffic Flow
 - a. Review of road design capacities and location of major traffic generators.

D. Impact on Environmental Factors.

1. Preservation of Natural Areas
2. Insurance that water supply is not degraded by pollutants including those transported in storm water.
3. Identification of areas suitable for development
 - a. Areas presently developed.
 - b. Currently vacant land suitable for development.

4. Soils and Flooding

- a. Review of soil maps to determine the limitations of the local soils.
- b. Enlisting the use of site planning to insure building relates harmoniously to terrain and existing building and roads and nearby residences.

313: AGRICULTURAL USE RESTRICTIONS

- A. No person shall keep or harbor any animal or fowl on any lot of less than one half acre in any platted subdivision approved under section 711.05, 711.09 or 711.10 of the Revised Code in the township or in any area consisting of fifteen or more contiguous lots approved under Revised Code Section 711.131 in the township.
- B. No person shall engage in dairying or animal or poultry husbandry for the purpose of producing products of agriculture for sale in excess of family needs on lots less than five (5) acres in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code Section 711.131 in the township if at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes.

314: DRIVEWAY AND DITCH ENCLOSURES

- A. Driveway and Ditch Enclosure Requirements. Driveways on Township and County roads must be built and maintained to the specifications of the Lorain County Engineer's Office. Driveways on State highways must be built and maintained to specifications of the State of Ohio Highway Department. Existing driveway drainage tile not conforming to this Article III, Section 304 shall be subject to Article XV.
 1. A permit must be issued before any work begins
 - a. Owner to allow 30 days for permit processing.
 - b. Property owner is responsible to purchase all pipe and fittings.
 - c. Permit fees to be established by Township.
 - d. If driveway or ditch pipe is installed without permits and is installed incorrectly, Township will replace and set grade subject to Article XV.
 - e. If a driveway is hard surfaced, the right-of-way area must be blacktop.
 2. Township's responsibilities:
 - a. Township to install pipe and clean ditch of said property
 - b. Township to furnish 2 loads of stone to cover driveway pipe
 - c. Ditch pipe cover will be furnished as it becomes available
 - d. Township employees must install all pipes or a subcontractor

appointed by the Township

315: TRUCK PARKING (Effective 5/11/04)

- A. One Commercial vehicle is permitted to be parked outside, per address. A commercial vehicle is defined as any vehicle or combination tractor and trailer with a gross weight rating of 26,000 pounds or more. A vehicle used strictly for agricultural purpose is exempt.

316: FENCES (Effective 1-10-07)

For line fences, refer to Chapter 971 of the Ohio Revised Code.

- A. Erection and position guidelines
 - a. A fence can be erected up to the established property line, but not on or over the line.
 - b. Cost of establishing said property line is applicants responsibility
 - c. Privacy/decorative fence must be installed with finished side facing outward toward adjacent properties.
 - d. Owner must maintain structure integrity.
 - e. Post hole depth shall be a minimum of 36 inches.
 - f. No fencing shall be permitted in the road right-of-way.
- B. Height of Fences
 - a. Six foot maximum height from the front line of the building to the rear of the property
 - b. Three feet maximum height if past building line, from the front line of the building to the right-of-way.
 - c. Must be 50% open (ex. Privacy, chain link, shadow box).
- C. Permits
 - a. Permits are required
 - b. Applicant must submit plat plan showing location of fencing
 - c. There is no permit charge for agricultural fencing
 - d. All fencing installed in excess of ten feet inside an owner's property line does not need a permit.
- D. Corner Lots
 - a. Must indicate if corner lot and show street names.
 - b. Adjacent road fencing shall be limited to a maximum height of three feet to the minimum building set back line.

Purpose of Regulation:

It is hereby determined that this regulation serves the township in the interest of the public health and safety. It is further determined that this regulation also services the township in the interest of convenience, comfort, prosperity and general welfare.

317: WIND TURBINES

Wind turbine energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed and subject to certain requirements as set forth below.

It is hereby determined that these regulations serve the township in the interest of the public health and safety. It is further determined that these regulations also serve the township in the interest of convenience, comfort, prosperity and general welfare.

- A. Clear Fall/Drop Zone: Shall be one a half times the height of the tower and blades, except vertical axis wind turbine systems would only require one times their height.
- B. Tower Height: Tower height shall not exceed three fourths of the property width at the tower's build line or 150 feet, whichever is more restrictive shall apply.
- C. Setback: No part of the wind turbine energy system structure, including guide wire anchors, may extend closer then five (5) feet to the property boundaries of the installation site.
- D. Noise: Wind turbine energy systems shall not exceed 60 dba as measured at the property boundaries of the installation site. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms. Any wind turbine(s) exceeding these levels shall immediately cease operation upon notification by the LaGrange Township Zoning Inspector and may not resume operation until the noise levels have been reduced and verified by the LaGrange Township Zoning Inspector.
- E. Commercially Produced Energy System: The wind turbine energy system must have been approved under any wind certification program recognized by the American Wind Energy Association in compliance with the Ohio Building Code and certified by a licensed professional engineer and shall also be submitted to the Zoning Inspector. A Zoning permit must be issued prior to any construction.
- F. Zoning Permit Requirements: Zoning permit applications for wind turbine energy systems shall be accompanied by the following:
 - a. Standard site plan showing the wind turbine structure and locations of the tower, base, footings, property lines and structures with evidence of a "clear fall/drop zone" must be provided on the site plan
 - b. Engineered drawings showing the size, height and construction of the structure, as well as the size and depth of the unit's mounting pad.
 - c. An engineering report or documentation from the manufacturer of the average decibel rating of the model.
 - d. A list or depiction of all safety measures that will be on the unity including anti-climb devises and lighting protection.
 - e. Data specifying the kilowatt size and generating power of the unit.
 - f. A maintenance schedule, as well as dismantling plan, for the removal of an inoperable unit.
- G. Compliance with FAA Regulations: Wind turbine energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

- H. Compliance with National Electric Code: Zoning permit applications for wind turbine energy systems shall be accompanied by a line drawing for the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- I. Utility Notification: A wind turbine energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- J. Electrical Wires: All electrical wires associated with a wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- K. Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- L. Appearance, Color & Finish: The wind generator and tower shall remain painted or finished in a muted color, as approved by the Zoning Inspector.
- M. Signs: All signs, other than the manufacturers or installers identification, appropriate warning signs, or owner identification on a wind generator, tower, building or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.
- N. Shadow/Flicker: Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.
- O. Maintenance: Wind turbines must be maintained in good working order. Wind Turbine Energy Systems that become inoperable for more than 6 months must be removed from the property within 90 days of an issuance of zoning violation at the property owner's expenses or other body identified in the dismantling plan.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

401: PURPOSE

The purpose of this article is to create a series of districts of such number and character necessary to achieve compatibility of uses within the Township and to provide opportunities for community growth.

402: DISTRICTS

For the purpose of this Resolution, all land areas in Lagrange Township are hereby divided into the following districts:

- A. "A" - Agricultural Residential District
- B. "B" - General Business District
- C. "B-1" Commercial Recreation Park District (*See Section 618*)
- D. "I" - Light Industrial District
- E. "FP" - Flood Plain District
- F. "R-1" – Medium Density Residential

403: ZONING MAPS

The boundaries of the districts are hereby established as shown on a map entitled, "The Lagrange Township Zoning Map", which map, notations and appended pages accompanied this Zoning Resolution and is hereby made part of this Zoning Resolution.

404: THE INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be considered to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately are parallel to

the center lines or street lines of a street or of the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- F. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Resolution shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.

ARTICLE V

CONDITIONALLY PERMITTED USES

501: GENERAL REQUIREMENTS

- A. Zoning Board of Appeals – The Zoning Board of Appeals may allow conditionally permitted uses subject to: The general conditions as set forth in Article III: The submission of Plans as set forth in Article III, where applicable and the specific conditions set forth herein.
- B. Conditional Use Permit – A conditional use permit may be reviewed annually and a fee shall accompany such application for said permit, unless otherwise specified herein. This permit is non-transferable.
- C. Inspection – The Zoning Inspector may inspect the premises at any reasonable time. Failure to comply with the regulations as established herein and others as the Zoning Board of Appeals may add will be considered reason for revocation of the conditional permit.
- D. Violations – Conditional use permits shall be revoked after thirty (30) days from date of written notice of violation unless said violation has been corrected.

**502: EXTRACTION OF STONE, MINERALS AND TOP SOIL
("A" "B" "I")**

- A. General Requirements - Any owner, lessee or other person having an interest in mineral land, may file with the Zoning Board of Appeals, an application for authorization to mine minerals there from, provided, however, that he shall comply with all requirements of the District in which said property is located and with the following additional requirements.
- B. Distance From Property Lines - No quarrying operation shall be carried on or any stock pile planned closer than fifty (50) feet to any property line, unless a greater distance is specified by the Zoning Board of Appeals where such is deemed necessary for the protection of adjacent property.
- C. Distance From Public Right-Of-Way - In the event that the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than three hundred (300) feet to the nearest line of such right-of-way.
- D. Fencing - Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Zoning Board of Appeals such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.
- E. Equipment- All equipment and machinery shall be operated and maintained in

such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust free condition by surfacing or other treatments as may be specified by the County Engineer.

- F. Processing - Crushing, washing and refining or other similar processing may be authorized by the Zoning Board of Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
- G. Performance Bond - All persons or groups of persons, corporations, or private contractors wishing to extract minerals or topsoil from land within Lagrange Township shall submit to the Township Trustees, a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.
- H. Applications - Contents, Procedure - An application for such operation shall set forth the following information:
 - 1. Name of the owner or owners of land from which removal is to be made.
 - 2. Name of the applicant making request for such permit.
 - 3. Name of the person or corporation conducting the actual removal.
 - 4. Location of processing plant to be used.
 - 5. Type of resources or materials to be removed.
 - 6. Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - 7. Description of equipment to be used.
 - 8. Method of rehabilitation and reclamation of the mined areas.
- I. Public Hearing - Upon receipt of such application, Zoning Board of Appeals shall set the matter before a public hearing.

503: HOME OCCUPATION ("A")

The following regulations shall apply to a home occupation:

- A. No more than one home occupation shall be conducted in a dwelling.
- B. Such use shall be conducted by members of the immediate family namely one or more persons residing in the dwelling and shall have not more than two (2) additional employees who do not reside in the dwelling.
- D. Such use shall be carried on entirely within the dwelling (which shall consist of the house, basement and attached garage) or entirely within one accessory building. Such use shall be clearly incidental and subordinate to use of the lot for a dwelling, or to the use of the lot for a dwelling and for agriculture. A home occupation, including associated storage areas, shall occupy (a) not more than twenty (20) percent of the usable floor area of the dwelling not to exceed 730 square feet; or (b) not more than 730 square feet of the usable floor area of the accessory building.
- E. No activity, material goods or equipment, other than one (1) licensed vehicle used in the conduct of the home occupation shall be stored outside of the dwelling or accessory structure.
- F. No alteration to the exterior of the residential building shall be made which changes the character thereof as a dwelling.
- G. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such noise, flame, vibration, glare, fumes, odors or electrical interference.
- H. There may be one (1) sign advertising the home occupation. The sign may be mounted flat against the wall of the dwelling or accessory structure, nor exceeding ten (10) square feet in area and non-illuminated or the sign may be one (1) yard - sign not to exceed ten (10) square feet on each side, non-illuminated, set back twelve (12) feet from all street right-of-ways and placed so as not to create a visibility hazard at the point of ingress or egress. All side yard requirements for the applicable district shall be met.
- I. All necessary state or county certificates and/or licenses shall be obtained before a permit is granted.
- J. An application accompanied by a non-refundable fee, as established by the Board of Trustees, must be filed with the Township Zoning Inspector. An application for a home occupation conditional use shall include all information required by Section 1406.01 and the following information: The application shall state the name and address of the applicant, type and location of business, whether the business will be carried on in the dwelling or in an accessory structure, number of immediate family members employed, number of additional employees, and such other information as may be required.

- K. If said application is granted, the applicant shall authorize and consent to periodic inspections at least annually by the Township Zoning Inspector and shall provide the Township Zoning Inspector with access to copies of any records of employment kept in the ordinary course of business to insure compliance with the requirements as set forth herein.
- L. This permit is personal to the applicant and non-transferable. This conditional use permit is valid for one year from date of issue and shall be renewed annually by the Township Zoning Inspector and upon the payment of an annual fee as established by the Township Board of Trustees.

504: PARKS AND PLAYGROUNDS ("B")

- A. Permitted Uses - Uses permitted shall be softball/baseball fields, multiple-use paved areas, landscaped areas, picnic areas, playground apparatus areas, and field house.
- B. Site Size - The minimum total site size shall be five (5) acres and the minimum total width shall be not less than three hundred (300) feet.
- D. Access - A minimum of two (2) access points to the site shall be provided maintaining a distance of two hundred (200) feet, centerline to centerline.
- E. Parking - Ten (10) parking spaces shall be provided for each acre of playground area.
- F. Setback Requirements - Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-way side lines. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way or side lot line.
- G. Lighting - When lighting is provided it shall be shielded from adjacent properties.
- H. Noise - No amplification equipment shall be permitted.
- I. Retail Sales - The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.
- J. Development Plan - A development plan must be submitted at the time of application for a conditional use permit.

505: PROSPECTING OIL AND GAS ("A" "I")

Subject to a Conditional Use Certificate and further subject to the following conditions:

- A. Define "Person" as used within this section to mean any natural person, general partnership, limited partnership, corporation, firm or common enterprise; and "drilling operation" to mean each and every well that is drilled, reopened, or plugged back or drilled for the disposal of waste.
- B. All persons drilling and/or exploring for gas and oil must first obtain a special hauling permit from the township at least ten (10) days prior to the initiation of such drilling or exploration. The granting of a special hauling permit is conditional upon first securing a road restoration bond under the aegis of the township trustees.
- C. No person shall erect, use, and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any and all inhabited dwellings without first obtaining written consent from all owners of said dwelling within the radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state that the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said dwelling.
- D. No person shall erect, use, and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet or storage tank nearer than one hundred fifty (150) feet from any public building which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, or occupancy by the public without first obtaining written consent of all the owners of such buildings within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state the property owner has given his consent to the erection, use and/or operation of such drilling rig or tank within such distance of said public building.
- E. No person shall erect, use, and/or operate any drilling rig nearer than three hundred (300) feet from any private water supply without first obtaining written consent of the owners of the property within that radius as measured from the center of the proposed well. The written consent form shall specifically state that the property owner has given his consent to the erection, use, and/or operation of such drilling rig within such distance of said private water supply.
- F. Access routes shall be established by the trustees for ingress and egress to the drilling site.
 - 1. Primary consideration shall be given to the route or routes that will minimize wear and tear on township roads.
 - 2. Entrances to and exits from the drilling site shall be at points that will minimize traffic congestion and hazard.

3. No such access point to the drilling site shall be located nearer than one hundred twenty-five (125) feet from the intersection of two (2) street lines. No more than two (2) access points shall be established to any one well.
 4. The maximum width of driveways shall be twenty-four (24) feet.
 5. A suitable size culvert pipe, as specified by the trustees shall be placed in any culvert, trench, or ditch under the supervision of the road foreman over which the driveway or driveways may be placed.
 6. All driveways providing ingress and egress for the drilling site shall be maintained to minimize dust and the tracking of mud and debris onto the hard surface pavement.
 7. A turnaround for all vehicles shall be provided which will accommodate the largest vehicle used in connection with the operation or the drilling site, unless otherwise approved by the Road Foreman.
- G. There shall be absolutely no on-street parking. One (1) off-street parking space shall be provided for each worker at the site.
- H. Where lighting is used at the drilling site said lighting shall be placed in such a manner as to shield adjacent inhabited dwellings from direct emissions of light.
- I. The process of "fracturing", dressing tools, sharpening bits, or operation of a forge is prohibited between the hours of 9:00 P.M. and 6:00 A.M. in any area where inhabited dwellings are situated within three hundred (300) feet of such process or operation unless the written consent of the residents of such dwelling is first obtained.
- J. A written drilling log is required to be kept at the drilling site. The log shall contain the drilling depth reached at each twenty-four (24) hour interval. The dates and times at which the process of "fracturing" is conducted shall be entered in the log. The log shall be kept and made available for inspection to any township trustee upon request.
- K. A plot plan shall be prepared and shall designate in detail, and in a suitable scale drawing, the location or proposed location of all wells, shut-off valves, heating equipment, transmission lines, electricity service entrance and circuit breakers for all electrical equipment. The plot plan shall be furnished to the township trustees prior to drilling and kept updated.
- L. Suitable fire fighting equipment, as approved by the Township Fire Chief, shall be kept on the drilling site and maintained in an operable condition during drilling. Such equipment shall be placed in a location to provide ready access in the event of an emergency.

- M. In connection with the operation of the drilling site, the names, mailing addresses, and telephone numbers of each of the following shall be supplied to the township trustees and kept updated.
1. In the case of a corporation, its statutory agent and the managing officers.
 2. In the case of a general or limited partnership, each of the managing partners.
 3. In the case of any other firm or common enterprise, each individual associated therein.
 4. In addition the names, addresses and telephone numbers of all general contractors employed by any person in connection with the drilling operation shall also be provided the trustees.
- N. All pits used for the temporary storage of salt water and oil field waste shall be liquid tight and constructed and maintained to prevent escape of such water and waste through run-off, percolation, or otherwise. A fence shall enclose the pit at least five (5) feet in height. Said fence shall be constructed and designed to prevent trespassing. A written log shall be kept detailing how, when and where salt water, oil field waste, and other noxious, harmful or hazardous discharge is disposed of and it shall not be drained into any open field, open ditch, culvert, storm sewer, running stream or other water way. At least 24 hours prior to the disposal of the above mentioned materials written notice of the method and material to be disposed of shall be furnished to the Township Road Foreman for each and every well.
- O. All storage tanks shall be painted and other equipment that remains at the drilling site shall be screened, by providing:
1. An opaque wall.
 2. A uniformly painted fence, or
 3. A strip of land at least four (4) feet wide and densely planted with shrubs or trees or a combination thereof.
- P. Such screening shall be at least six (6) feet in height and at least as long as that which the screening is designed to screen.
- Q. The location of any abandoned gas or oil well shall be reported to the township trustees in writing within thirty (30) days.
- R. Written notice from the owner of the land must be given to the township trustees no later than ten (10) days prior to the commencement of drilling operations.
- S. A certificate of compliance must be furnished to the township trustees at any time

prior to the day on which the drilling operation is to commence. The certificate shall specifically state that:

1. The drilling operation shall be conducted pursuant to the health and safety standards of the Township.
 2. The trustees have been furnished with all information required by condition M.
 3. All consents required by condition #3, 4, 5, and 7 have been obtained. A copy of each consent required and received must be provided to the trustees at the time of Certificate of Compliance is required. Reference Conditions C, D, E, I.
 4. The certificates shall be signed by the duly authorized agent of the corporation, partnership, firm, common enterprise, or by any natural person seeking to drill.
- T. A copy of the state drilling permits shall be submitted at the time the certificate of compliance required pursuant to Condition S is filed.
- U. All activities, operations, and construction, not directly governed by Ohio Revised Code Chapter 1509 and the rules and regulations adopted there under by the division of gas and oil must comply with the township zoning resolution in its entirety.
- V. Any part of these conditions which is superseded by any Section of Chapter 1509 or any rule or regulations promulgated there under shall not affect the validity of any other conditions.
- W. Duties of Zoning Inspector - It shall be the duty of the Zoning Inspector to consult with Deputy Inspector of the Division of Mines relative to good practices relating to the drilling, production or storage of oil and gas. Upon finding conditions that he determines to be unsafe, unsanitary, or a menace to the health and safety of persons residing in the neighborhood of an oil or gas well, the Zoning Inspector shall order the operator of such well to cease operations until such condition is corrected.
- X. In the event any word, phrase, sentence or structure or portion of these conditions shall hereafter be declared invalid, such invalidity shall not affect the remaining portions and parts of these conditions herein.

506: CHURCH ("B" "A")

- A. For purposes of this ordinance, a church shall be defined as a building designed for the purpose of assembly to worship. All churches shall conform to the following conditions.

- B. All buildings, structures, accessory buildings including parking areas or garages shall be set back fifty (50) feet from the side and rear lot lines.
- D. Parking shall be provided as follows: One (1) space for each four (4) seats.
- E. Lighting - Lights shall be shielded and directed away from adjacent property and from public roadways.
- F. Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.
- G. Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two (2) access points seventy (70) feet center to center. All points of entrance or exit shall be located no closer than two hundred (200) feet from two (2) intersecting major streets or one hundred (100) feet from the intersection of a major and minor street, or two (2) minor streets.
- H. A lot area of one acre per one hundred (100) seats with a minimum development of three (300) acres shall be provided.

507: RECREATIONAL CAMPGROUNDS ("A") ("FP")

- A. Area - No campground shall be developed on a lot of less than twenty-five (25) acres. No campsite shall be located on land having a slope in excess of twenty (20%) percent.
- B. Setback - Buildings shall be located no closer than three hundred (300) feet to the right-of-way and two hundred (200) feet to the side or rear lot line.
- C. Sanitation - The general criteria for sanitary facilities shall be:
 1. Toilet Fixtures - One (1) for each seventeen (17) people.
 2. Showers - One (1) for each fifty (50) people.
 3. One (1) restroom with six (6) toilets per campground of twenty-five (25) units.
 4. One (1) restroom with six (6) toilets and one (1) combination building with six (6) toilets, four (4) showers, and laundry facilities per campground of fifty (50) units.
 5. Adequate garbage and rubbish cans with tight fitting lids shall be provided for each campsite.
 6. The campground and all permanent facilities and equipment shall be

kept in a clean orderly and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.

D. Water Supply Requirements - Water supply requirements at campgrounds shall be:

1. With showers and flush toilets - forty (40) gallons per camper per day.
2. With flush toilets - twenty-five (25) gallons per camper per day.
3. Without showers or flush toilets - five (5) gallons per camper per day.
4. Emergency Storage - The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a "standby" or emergency supply of water should be provided.
5. Distance from drinking water to unit - three hundred (300) feet maximum, one hundred (100) feet or less optimum.

E. Fire Protection - The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department that serves the area.

F. Prohibited Activities - No intoxicating beverages may be sold or permitted on the campgrounds. No mechanical amusement devices or games of chance shall be allowed.

G. Hours of Operation - Under no condition shall activities continue past 12:00 P.M. - at which time all lights in halls, buildings, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

H. Noise - No amplification equipment shall be permitted. Radios, television sets and phonographs shall be permitted providing that in the judgment of the Zoning Inspector these are not operating louder than normally operated in a residence.

I. Retail Sales - The sale of soft drinks shall be permitted provided that the vending equipment and the area where located shall be properly maintained. Maximum area four hundred (400) square feet.

J. Parking - The following parking space must be provided:

1. Car - Three hundred (300) square feet.
2. Car and Trailer - Six hundred (600) square feet.
3. One space or hardstand per camper unit, minimum space for two (2)

cars, or car and trailer.

4. Optimum space for three (3) cars must be provided for each restroom.

K. Hard Stand Areas - To accommodate self-contained camping trailers, all-weather hard stand areas, ten (10) feet by forty (40) feet shall be provided and so designed that the car and camping trailer can be backed onto the hard stand area with the minimum amount of maneuvering.

L. Trailer Length - Camping trailers are limited to a length of twenty-eight (28) feet, except self-propelled camper vehicles.

M. Access Roads - All access roads shall be maintained in an all-weather, dust-free condition.

N. Signs - A sign shall be permitted provided the area of such sign shall not exceed square feet.

O. Lighting - All outdoor lighting shall be shielded to prevent glare to adjoining properties.

P. Camper Vehicles - All campers' vehicles shall display the current year license plates. No campground shall be used for permanent occupancy or as a mobile home park.

508: EARTH SHELTER DWELLING UNIT

Shall mean a building either partially or completely below grade having fixed and completed construction of walls, foundation and roof, serving as a habitable home, containing living, dining, sleeping rooms, kitchen, storage closets, bathrooms and an enclosed mechanical equipment room. A temporary basement home with a flat tarpapered roof is not to be considered an earth shelter for purposes of this definition, nor are they permitted. Except as modified herein, no earth shelter dwelling unit shall be constructed or used unless a valid conditional permit and an occupancy permit have been issued by the Zoning Board of Appeals and the Zoning Inspector.

D. Specific Conditions for Earth Shelters.

1. Each earth shelter shall have a vehicular or pedestrian access from a public street.
2. The site plan shall be designed to fit the natural contours of the land as closely as possible and practical.
3. Existing good quality vegetation should be saved whenever possible. Construction shall take place in areas on the site with the least potential ground water hazard.

E. Topographical Attributes. The building location and arrangement shall relate well:

1. To the natural topography, avoiding deep cuts, fills, excessive foundation wall depth, unnecessary steps and steep access gradients.
2. To climatic conditions, assuming maximum benefit from and protection against sun, wind, temperature, precipitation, etc.
3. To attractive views.
4. To minimize undesirable noise levels.

C. Grading Considerations.

1. Drain surface water away from buildings and off-site.
2. Avoid concentrating run-off onto neighboring properties.
3. Minimum slopes away from foundations - five (5) percent for pervious surfaces and one (1) percent for impervious surfaces.
4. Minimum protective slope around building must be six (6) inches drop in ten (10) feet.
5. Floor grades should be chosen to avoid deep cuts and fills, allow gravity sewer service (unless otherwise approved), and minimize banks, retaining walls, etc.
6. Habitable space shall be three (3) feet above the One Hundred (100) Year Flood Level.
7. Two separate ways of escape must be provided from the building, either two (2) doors or one (1) door and one (1) window.
8. The Soil Conservation Service should be consulted regarding soil types, drainage problems and allowable grading of the site.
9. The district requirements regarding front, side and rear yard setbacks shall apply to all exposed portions of the shelter.

509: GOLF COURSES

- A. Site Size and Frontage - The site shall contain a minimum of 35 acres for a par 3-9 hole course, a minimum of eighty acres for a nine hole golf course and one hundred and sixty acres for an eighteen hole golf course, and shall have a minimum of 60 feet frontage on a dedicated road.

- B. Distance from road right-of-way - All principal and accessory buildings shall be located not less than one hundred and twenty-five feet from the center of the road.
- C. Access - Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty feet in width and constructed of a hard surfaced material.
- D. Height - No structure shall be erected in excess of thirty-five feet in height.
- E. Course layout - Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Township Zoning inspector for review. The Township Zoning inspector may request the review of the Lorain County Planning Commission if desired prior to the issuance of a conditional zoning permit. Such review by the Planning Commission shall be advisory to the Township Zoning Commission.
- F. Distance from Residential Areas - Buildings and parking areas shall be not less than two hundred feet from any property line of abutting residentially zoned land.
- G. Signs - All signs shall be located at least twenty-five feet from all road right-of-way side lines and seventy-five feet from any abutting residential property lines.
- H. Lighting - Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- I. Parking - Ten parking spaces per hole shall be provided in addition to one space per thirty-five square feet of floor area for public assembly. All parking spaces shall be located not less than 200 feet from any residential district and 80 feet from the center of the road.

510: VETERINARY HOSPITAL OR KENNELS "A" "B"

- A. Parking and Access. Parking shall be provided for a minimum of four car and trailer combinations. Five hundred square feet shall be the minimum required parking and access area for each car and trailer or van combinations. Three hundred square feet shall be required for parking and access space for each vehicle.
- B. Runways, exercise areas. All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.
- C. Building and Enclosures. The main building and any buildings housing animals shall be no closer than one hundred feet from any other lot in any direction. Enclosed

runways and kennels are outside exercise areas shall be not closer than one hundred feet from any property line.

D. Manure piles. Manure piles shall be disposed of daily in a sanitary, non-odorous condition according to local health department regulations.

E. Lighting. All outside lighting shall be shielded from adjacent properties.

511: Garage Sales (Effective 5/11/04)

A. No sale of tangible personal property, including, but not limited to a garage sale, a yard sale, a basement sale or a rummage sale, shall be permitted more than three (3) times per year, per lot. Such sales shall not exceed 72 hours in duration. Trustees may establish a permit process and fee schedule.

ARTICLE VI

“A” AGRICULTURAL RESIDENTIAL DISTRICT

601: PURPOSE

The Agricultural Residential District is designed for use throughout the Township to:

- A. Reserve and protect for agricultural use those land areas needed and best suited for agriculture.
- B. Prevent the indiscriminate spread of urban uses into rural areas which are incompatible with agricultural pursuits and which contribute to their premature termination.
- C. Retain land that could eventually be developed for urban uses currently in productive agricultural use.
- D. Permit orderly, efficient and economical development of land to urban uses at a time when the community can feasibly provide the required urban services.

602: PERMITTED USES

Agriculture (farms) (See Section 604)
Single Family Dwellings (See Section 604)
Two-Family Dwellings (See Section 604)
Accessory Buildings incidental to the principal use that do not include any activity conducted as a business.
Greenhouses
Kennels
Plant Nurseries (See Section 606)
Ponds (See Section 611)
Public Schools
Riding, Boarding and Show Stables (See Section 612)
Water Impoundment Facilities
Private Gas Well (See Section 607)
Private Swimming Pools (See Section 610)
Roadside Stands (See Section 609)
Kennels (See Section 510)
Conversion of a Single Family Dwelling Unit to a Two-Family Dwelling Unit with a zoning permit only (See Section 608)

603: CONDITIONALLY PERMITTED USES

Churches (See Section 506)
Earth Dwelling (See Section 508)

Home Occupations (See Section 503)
Parks and Playgrounds (See Section 503)
Prospecting, Oil and Gas (See Section 505)
Extraction of Stone, Minerals and Topsoil (See Section 502)

604: LOT AND YARD REQUIREMENTS

A. Farm:

1. Farm Minimum Lot Area - five (5) acres.
2. Minimum Frontage and depth - two hundred (200) continuous feet by three hundred (300) continuous feet.
3. Minimum Front Yard Depth - one hundred twenty-five (125) feet from center of all roads, Federal and State Highways.
4. Minimum Rear Yard - thirty-five (35) feet.
5. Minimum Side Yard Width - thirty-five (35) feet.
6. Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.
7. All agricultural and/or accessory buildings must remain at least twenty-five (25) feet from rear and side lot lines.

B. Single Family Dwellings.

1. Only one dwelling per parcel.
2. Minimum building lot - 1.38 acres.
3. Minimum Frontage and Depth - Two hundred (200) continuous foot frontage for a depth of three hundred (300) continuous feet deep.
4. Minimum Front yard - One hundred twenty-five (125) feet from the center of the road.
5. Minimum rear yard - thirty-five (35) feet.
6. Minimum side yard - thirty-five (35) feet.
7. Percentage of lot coverage - all buildings including accessory buildings shall not cover more than thirty per cent (30%) of the area of the lot.
8. All agricultural and/or accessory buildings must remain at least

twenty-five (25) feet from rear and side lot lines.

C. Two-Family Dwellings.

1. Minimum Building Lot - 2.76 acres
2. Minimum Frontage and Depth - four hundred (400) continuous feet for a depth of three hundred (300) continuous feet
3. Minimum Front Yard - one hundred twenty-five (125) feet
4. Minimum Rear Yard - thirty-five (35) feet
5. Minimum Side Yard - not less than thirty-five (35) feet
6. Percentage of Lot Coverage - All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot. All agricultural and/or accessory buildings must remain at least twenty-five (25) feet from rear and side lot lines.

606: PLANT NURSERY ("B")

- A. Minimum Site Size - Five (5) acres
- B. Setback - Any building or accessory structure shall be set back one hundred (100) feet from any road right-of-way side line and seventy-five (75) feet from all other property lines. This to include all stockpiles of materials used in the business also.
- C. Dead Plant Material - No burning or storage of dead plant material is allowed.
- D. Lighting - All outside lighting shall be directed away and shielded from adjacent properties and public roadways.
- E. Spraying - When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized. Said spraying operation shall be directed so as to not affect adjacent properties in any way.
- F. Irrigation - When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
- G. Sales. Wholesale or retail sale of plants grown on the premises is permitted in conformance with the regulations for an agricultural roadside stand. Sales of plants or other materials or equipment which are not produced on the lot on which the plant nursery is located, or the sales of manure, soil, shredded bark, and similar materials which are not produced on the lot on which the plant nursery is located are not permitted.

607: PRIVATE GAS WELLS

Private gas wells must comply with all State requirements.

608: CONVERSION OF A SINGLE FAMILY DWELLING UNIT TO A TWO FAMILY DWELLING UNIT

- A. A residence may not be converted to accommodate an increased number of dwelling units unless it meets all the requirements of a two (2) family dwelling.
- B. The yard dimensions still meet the yard dimensions required by the Zoning Regulations for new structures in that district.
- C. The lot area per family equals the lot area requirements for new structures in that district.
- D. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- E. The conversion is in compliance with all other relevant resolution, codes and applicable regulations.
- F. Off-street parking must meet the requirements of Article XI.

609: ROADSIDE STANDS

- A. General - Roadside stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non-growing season.
- B. Setback - Said use shall be set back twenty (20) feet from any right-of-way sideline.
- C. Parking - Adequate off-street parking shall be provided.
- D. Signs - The provisions of Article X shall apply.

610: PRIVATE SWIMMING POOLS ("A")

- A. Definition - A private swimming pool, as regulated herein, shall be any pool, lake or open tank, but not including farm ponds, not located within a completely enclosed building, and containing, or normally capable of containing, twenty-five hundred (2500) gallons of water. No such swimming pool shall be allowed in any "A" District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements.
- B. Exclusive Private Use - The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

- C. Distance Requirements - The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line.
- D. Drainage - Adequate provision for drainage shall be made.
- E. Lighting - Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- F. Permit Required - No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector.

611: AGRICULTURAL OR RESIDENTIAL PONDS

- A. Agricultural or residential ponds must be designed by a registered landscape architect, civil engineer or the County Soil Conservation Services.
- B. All designs and plans must be reviewed and approved by the Soil Conservation Service before conditional permit can be issued. Final inspection will be made by the County Soil Conservation Service and the Township Zoning Inspector.
- C. The construction of agricultural or residential ponds shall not adversely affect the drainage pattern of adjacent properties.
- D. The overflow from either an embankment type or dug out type pond shall not be discharged so as to affect the required field for any nearby on-site sanitary system.
- E. Agricultural or residential ponds shall be maintained so as to not to create a health hazard.
- F. The construction of a pond and its continued use shall not cause any additional erosion, either on-site or on adjacent properties.
- G. Agricultural or residential ponds shall not raise the ground water table through infiltration so as to render ineffective any on-site sanitary system.
- H. The areas surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
- I. Agricultural or residential ponds shall be located no closer than fifty (50) feet to any right-of-way side line, and no closer than fifty (50) feet to any side lot line or rear property line. The highest point of the waterline as established by the County Soil Conservation Service shall be used when measuring the fifty (50) foot distance.
- J. Ponds used for drinking water supply or for swimming must meet the Lorain County Health Department's standards for such use.

- K. Any required pumping or filtration equipment shall be located no closer than thirty-five (35) feet to any side lot line or rear property line on a two hundred (200) foot by three hundred (300) foot lot, or larger lot. Such equipment shall be located no closer than a minimum of five (5) feet to any side lot line or rear property line on a one hundred (100) foot by two hundred (200) foot lot.
- L. The location of a pond shall not cause a hazard to nearby residents.

612: RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA ("A")

- A. Applicability - These conditions shall apply where one (1) or more horses are used, kept, or maintained, for commercial leasing or hiring purposes for remuneration.
- B. General - All riding or exercising of horses shall be conducted solely on the premises of said stable, academy or area. The use of any public road or right-of-way as a part of a stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.
- C. Lot Area - The minimum lot for a stable shall be not less than five (5) acres with a lot width of not less than five hundred (500) feet.
- D. Building Location - All buildings for the riding, showing, housing or keeping of horses shall be located not less than one hundred and fifty (150) feet from the side and rear property lines and two hundred (200) feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.
- E. Access and Parking - Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area a minimum design area of six hundred (600) square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be maintained in a dust-free, all-weather condition. Parking areas shall be located no less than one hundred fifty (150) feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than twenty-four (24) feet) in order to facilitate entering and leaving the property at the same time.
- F. Landscaping - All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property.
- G. Retail Sales - The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale of incidental products shall be conducted wholly within an enclosed building - maximum four hundred (400) square feet.
- H. Lighting - All outside lighting shall be shielded and directed away from adjacent properties and from public roadways.

- I. Noise - No outdoor amplification system shall be permitted.
- J. Height - No building or structure shall exceed thirty-five feet in height.
- K. Signs - One sign that serves to identify the use on the premises shall be permitted with a surface area not to exceed ten (10) square feet and shall be subject to requirements found in Article X.
- L. Sanitation - The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.
- M. Hours of Operation - All activities shall terminate on or before 11:00 P.M. each day.
- N. Site Plan - When boarding or keeping more than three (3) horses, a proposed site plan drawn to scale shall be prepared showing the following:
 - 1. Location of buildings
 - 2. Location of property lines and adjacent building
 - 3. Ingress and egress points
 - 4. Parking areas and driveways
 - 5. All activity areas
 - 6. Landscaped buffer areas and the plant material to be used.
 - 7. Drainage plan which includes the topography of the site at five (5) foot intervals.

All other requirements as set forth in the administration and enforcement section of the Zoning Resolution.

613: MAXIMUM BUILDING HEIGHT

No residential building shall hereafter be erected or structurally altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height.

614: REQUIRED MINIMUM LIVING AREA

Single Family Dwelling - One thousand two hundred fifty (1,250) square feet
Two Family Dwelling - Two thousand five hundred (2,500) square feet

615: PERMITTED SIGNS

The provision of Article X shall apply in this district.

616: OFF STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

617: GENERAL REGULATIONS

The provision of Article III shall apply in this District.

618: B-1 DISTRICT

Deleted effective 12/26/01.

Resolution 11-26-01

States that the LaGrange Township Trustees hereby declare the Township's intention that no other B-1 area be created or expanded but lots in Pheasant Run and the Nimrod subdivision that have been platted as of this date maintain the right to all uses that existed under B-1 zoning when the property was platted.

ARTICLE VII

"B" GENERAL BUSINESS DISTRICT

701: PURPOSE

The General Business District is created to provide retailing and personal services. This district is so designed to permit commercial development of permitted uses that will be limited only by standards set forth to protect the abutting districts and as directed against the extension of strip zoning. The General Business Districts shall be considered for use in limited areas adjacent to the major activity centers and in accessible locations along arterial streets on the major thoroughfare plan. Strip zoning in this district shall be prohibited.

- A. Businesses. More than one type of business is allowed on a commercial property provided that all requirements of "B" or "I" Zoning District are met by each business. Anything permitted in "A" District is also permitted in Districts "B" and "I".

702: TYPICALLY PERMITTED USES

Aircraft Sales and Services
Antique Stores
Automobile Accessory Stores
Automobile Automatic Wash Stations
Automobile Repair Garages
Automobile - Truck, Travel Trailer Sales Lots
Bakeries (goods for sale on premises only)
Banks (branch office)
Bars, Grills, Cocktail Lounges, State Liquor Stores
Barber and Beauty Shops
Bicycle Rental Sales and Service
Bicycle Repair Shops
Billboards and Signs (subject to the provisions of Article X)
Boat and Sporting Good Stores
Bookstores
Bowling Alley (provided that building used for such purpose is at least one hundred (100) feet from any residential district)
Building Materials and Sales (if conducted in an enclosed building)
Cafes
Cleaners and Laundry (collection and distribution only, customer and self-service)
Clinics, Medical and Dental
Clubs (swimming, Y.M.C.A., etc.) Lodges
Convenience Food Stores
Dairy Product Stores (no bottling or drive-in types permitted)
Day Care Centers
Delicatessens
Discount Stores (variety, drugs, etc.)
Doughnut Shops

Drive-In Ice Cream Stores
Drive-In Banks
Drive-In Restaurants
Drugstores
Dry Cleaning (custom and self-serve)
Egg and Poultry Stores (no killing of fowl on premises)
Exterminator Services
Farm, Fruit and Produce Stands
Farm Implement Sales
Floor Covering
Food and Grocery Stores
Food Lockers
Funeral Homes
Garden and Nursery Centers
Gift, Novelty and Souvenir Stores
Golf Courses
Golf Driving Ranges
Governmental Buildings
Hardware Stores
Laundries (custom and self-service)
Lawn Mower Sales and Services
Locksmith, Lawn Mower Service
Miniature Golf Courses
Monument Sales (provided cutting is done in an enclosed building)
Motels, Tourist Cabins and Courts
Motorcycle Sales and Service
Nursing Homes
Pet Store, Supplies
Photostatting, Printing, Publishing
Public Parks and Playgrounds
Recreational Vehicle Sales and Service
Restaurants/Taverns
Rifle Ranges
Service Stations
Supermarkets
Tailor Shop (including pressing)
Tennis Club
Travel Trailer and Pick-Up Coach Sales and Service
Veterinary Hospitals, Kennels
Accessory buildings incidental to the principal use that do not include any activity conducted as a business.

703: BUILDING HEIGHT LIMIT

No building or structure shall be erected to a height in excess of thirty-five (35) feet.

704: REQUIRED LOT AREA

The lot area shall be not less than 1.38 acres and must maintain two hundred (200) continuous feet frontage for a depth of three hundred (300) continuous feet.

705: YARD REQUIRED

- A. Front Yard: Setback of sixty (60) feet from the road right-of-way line. A twenty (20) foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
- B. Rear Yard: Half the height of the building, but not less than ten (10) feet.
- C. Side Yard and Rear Yards abutting a Residential Area: A seventy-five (75) foot unobstructed buffer strip suitably landscaped.
- D. Access Ways: The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than two (2) access ways to any marginal road with a forty-five (45) foot separation between centerlines. The width of the access way leading to or from a highway and/or marginal road shall be not less than twenty (20) feet nor shall it exceed thirty-six (36) feet.

706: PERCENTAGE OF LOT COVERAGE

All buildings, including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

707: SUBMISSION OF PLANS

The provisions of Section 309 shall be in full force and effect in this District.

708: PERMITTED SIGNS

The provisions of Article X shall apply in this District.

709: OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

710: GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

“I” LIGHT INDUSTRIAL DISTRICT

801: PURPOSE

The purpose of the “I” District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous objectionable elements such as noise, odor, dust, smoke, or glare.

802: AREA

The “I” District consists of an area adjacent to the Village of LaGrange and is bounded by the following limits:

A line beginning at the southeastern most corner of the limits of the Village of LaGrange as of August 29, 2000 and extending due south to a point 600 ft. north of the center line of Whitney Road; then extending west in a straight line parallel to Whitney Road to the railroad right-of-way; then a line extending northeast following the railroad right-of-way to the village limits.

803: PERMITTED USES

- Acoustical Material (storage)
- Advertising Display (manufacturing)
- Adult uses/Sexually Oriented Businesses
- Agriculture
- Agricultural Implements (repair and storage)
- Agricultural Tillage (contractors)
- Air Express Service Warehouse
- Airplane (repair and storage)
- Asphalt Siding, Shingles Roofing (storage)
- Automobiles (assembly of bodies, sales, parts and supplies, repair, brakes, electrical, painting, radiators, upholstery, etc., storage)
- Bakers and Baked Goods (manufacturing)
- Balls and Bearings (storage)
- Barbecue (bulk preparation and sales)
- Beer and Ale Distributor (wholesale and storage)
- Belting (repairing)
- Beverages (bottling)
- Beverages (wholesale and storage)
- Bicycles (repairs)
- Biscuit Companies (manufacturing)
- Biscuits (wholesale and storage)
- Boat (pleasure, storage)
- Boilers (storage)

Bookbinders, Book Publishing (printing)
Bottles (wholesale)
Boxes (sales)
Braces (orthopedic, manufacturing)
Brick (storage yard)
Brooms (manufacturing)
Building Contractors (equipment and material storage)
Burglar Alarm Systems (installation)
Bus Line Shops (garage, repair)
Business Machines (manufacturing repair service, storage, and wholesale)
Button Covering (fabrics)
Cabinet Makers
Candy (wholesale distribution)
Canvas Goods (fabrication)
Carpenter's Shops and Power Woodworking
Carpet and Rug (cleaners and storage)
Carpets and Rugs (warehouse)
Carpets and Rugs (wholesale)
Cement Products Manufacturing (pipe, blocks, etc.)
Cement
Cement Storage
Cesspool Builders and Service Equipment Yard
Cigarette Manufacturing
Cigarette Service
Cigarette Manufacturing (machine rolled)
Cigars (wholesale and storage)
Cleaning and Dyeing (processing)
Clock Factory
Clothing (manufacturing)
Coin Machines (manufacturing)
Coin Machines (rental and service)
Cold Storage
Concrete Contractors (storage yards)
Concrete Products (pipe, beams manufacturing)
Concrete Products (storage)
Concrete (transit mixed)
Confectioners (wholesale)
Contractor's Equipment and Supplies (storage)
Corsets and Brassieres (manufacturing)
Cotton Seed Products (storage)
Cranes (storage yard)
Dairies (distributing, commercial)
Decoration (workshop and equipment yard)
Department Store Warehouse
Desks (manufacturing)
Diaper Supply Service

Diesel Engines Service Equipment and Supplies (not manufacturing)
Disinfectants (storage and wholesale)
Display Designers and Builders Shops
Distillers (distribution, warehouse)
Doors, Sash and Trim Wood (manufacturing)
Draperies (manufacturing)
Drilling Company (equipment yards)
Dry Cleaning Establishments (bulk processing)
Dry Goods (wholesale or storage)
Eggs (storage and processing)
Electric Contractors Shops
Electric Equipment (assembly)
Electric Plating
Electric Refrigeration Locker
Electrical Appliances (manufacturing)
Electrical Appliances (repairs)
Enameling and Painting (custom)
Engravers and Electroplaters
Express Companies (warehouses)
Exterminating and Fumigating (commercial shops)
Extraction of Stone, Minerals and Top Soil
Farm Implements and Machinery (assembly)
Feed (wholesale and storage)
Fences (metal, wholesale and storage)
Fertilizers (process, storage only)
Filters Fabricators
Fire Escape Contractors
Firewood (storage)
Fish (wholesale)
Flags and Banners (manufacturing)
Floor Refinishing (contractor's shops)
Food Processing (general, see under product listing)
Food Products (brokers and distributors, wholesale)
Food Products (warehouse)
Freight Forwarders (warehouses)
Frozen Food (processing)
Frozen Foods (wholesale, storage and distribution)
Fruit and Vegetable (general, see under product listing)
Fur Warehouse
Furnaces (cleaning and repairing shops)
Furniture Cleaners
Furniture (repairing and refinishing)
Furniture (wholesale and storage)
Fur Apparel (manufacturing, cutting, and assembly)
Garment Factory
Glass Blowing

Grocers (warehouse)
Grocers (wholesale)
Gunsmiths (repair)
Harness Repair
Hat Manufacturing
Hay and Straw (sales and storage)
Heating and Ventilating Apparatus (assembly and storage)
Hoists (equipment storage)
Horse-shoeing
Hosiery (manufacturing)
Hotel Equipment (assembly and custom fabrication)
House Movers (equipment storage yards)
Ice-cream (manufacturing)
Imported Goods (warehouse)
Insulation (contractors equipment yard, storage and wholesale)
Interior Decorators (workshops)
Iron (custom decorative wrought iron shops)
Irrigation Companies and Equipment
Janitor's Supplies (storage and warehouse)
Jewelers (bulk manufacturing)
Jobbers (bulk manufacturing)
Knit Goods (manufacturing)
Laboratories (commercial, analytical, experimental and research)
Ladies Wear (manufacturing)
Laundries (processing)
Laundry Equipment and Supplies (storage)
Leather Goods (manufacturing, fabrication)
Limb Manufacturing (artificial)
Lime (storage)
Linen Supply Laundry Service
Linoleum (storage)
Liquor (storage and wholesale)
Lithographers
Livestock (supplies, storage and wholesale)
Locksmiths (repair shops)
Loft Builders
Lubrication Compounds (storage)
Lumber (cabinet workings)
Lumber Storage Yard (stacked lumber; used and wholesale)
Machine Shops
Machine Tools (storage)
Machinery (rental)
Machinery (used storage)
Markets (exchanges of goods)
Meat (storage and wholesale)
Men's Clothing (manufacturing)

Metals (processing light fabrication from standard shapes)
Machine Shop Operation (plating custom and replating, products fabrication and assembly)
Meters (manufacturing)
Milk Bottling Plant (other than farm)
Milliners (wholesale and manufacturing)
Millinery and Artificial Flower Making
Mill Work (sale and storage)
Mineral Water (distillation and bottling)
Mining Machinery (wholesale storage)
Mirrors (resilvering, custom work)
Model Construction (supplies and manufacturing)
Mortar (bulk preparation and sales)
Motion Picture Equipment (storage and manufacturing)
Motion Picture Studios
Motor Freight Company Warehouses
Motorcycles (repairing and sales)
Mover Warehouses
Newspaper (printing)
Noodle (manufacturing)
Notions (manufacturing and wholesale)
Novelties (manufacturing and wholesale)
Nuts (edible, processing)
Office Equipment (manufacturing; see also business machines)
Optical Goods (manufacturing)
Ornamental Metal Work (custom hand fabrication)
Orthopedic Appliances (manufacturing)
Packing, Crating Service Fabrication
Painters Equipment and Supplies (shops wholesale and storage)
Paper (storage)
Paper Products (wholesale and storage)
Pattern Shop
Paving Contractors (equipment and storage)
Paving Materials (storage yard)
Photo-Engraving Company
Pickles (processed, wholesale and storage)
Pipe (used, storage and sales)
Plasterer (wholesale and storage)
Popcorn (manufacturing)
Potato Chips (manufacturing)
Poultry Supplies (wholesale and storage)
Printers Equipment and Supplies
Wholesale Produce (garden)
Wholesale Produce (warehouse)
Prospecting Oil and Gas (see Section 505)
Pumps (repairing and rental)

Printer
Quick Freeze Plant
Quilt (manufacturing)
Radio Equipment (assembling)
Radio Repair Shop
Refrigeration Equipment Custom Installation
Refrigerators (servicing)
Refrigerators (wholesale and storage)
Restaurant Equipment (installation and repair)
Road Building Equipment (storage yard)
Rubber Stamps (manufacturing)
Scaffolds (equipment and storage)
Scales (commercial, weighing)
School Equipment and Supplies (wholesale)
Screens, Doors and Windows (manufacturing)
Screw and Bolt (manufacturing)
Seed (wholesale and retail garden supplies)
Septic Tanks (contractors, construction)
Service Station Equipment (wholesale)
Sewer Pipe (storage)
Sheet Metal Work (custom fabrication)
Shirt Factory
Shoe Repairing Equipment and Supplies (wholesale)
Shoe Manufacturing
Sign Erectors (contractors, shops)
Sign Painters
Sign Maintenance Service Shops
Sign (neon and metal fabrication)
Sky Lights (custom manufacturing)
Slip Covers (custom manufacturing)
Soaps (wholesale and storage)
Sporting Goods (manufacturing)
Soda Water (manufacturing)
Specialties (see coin machines)
Spices (wholesale and storage)
Spraying Supplies Equipment Yard
Springs (replacement and repairs)
Stair Builders (wood)
Steel Awnings (custom manufacturing)
Steel Erectors Equipment Yards
Steel Fabricators (light sections)
Storage Warehouse
Storage Shops
Store and Office Fixtures (contractors shops)
Stove and Ranges (wholesale and storage)
Surgical Supplies (wholesale distributors)

Tank Coating Equipment Yard
Tanks (erection, contractors yard)
Taxidermists
Tents and Awnings (manufacturing)
Termite Control Contractor Shops
Terazzo Contractor Shops
Thermometers (manufacturing; wholesale, storage)
Tool Grinding and Sharpening
Tools (wholesale and distribution)
Towels (supply and service)
Tractors (rentals)
Trailers (repairing)
Transfer Business
Truck Freight Movers (see express also)
Trucks (manufacturing)
Underwear (wholesale and manufacturing)
Upholsterers (custom)
Wall Board (wholesale and storage)
Wallpaper (manufacturing)
Warehouses
Watches (manufacturing)
Water (distill, processing)
Water Coolers (drinking or curative, bottling and distribution)
Water Coolers (drinking fountains, repair and service)
Water Heaters (service and repairing)
Water Softening Equipment (service and repairing)
Water Supply Systems (contractors shops)
Water Proofing (material storage)
Weighers (commercial)
Welding (commercial)
Welding (equipment and supplies storage)
Well Drilling (equipment yard)
Wholesale Produce (storage and market)
Winches, Commercial (equipment rental)
Window Display (installations, studio and shops)
Wines (storage, bottling and wholesale)
Wood (storage yard)
Woodworking (cabinet and custom millwork)
Woodworking (equipment, wholesale)
Woven Goods (fabrication and assembly)
Other like uses

804: BUILDING HEIGHT

Building shall not exceed thirty-five (35) feet in height.

805: LOT AND YARD REQUIREMENTS

- A. Lot Area. Every lot in an “I” District shall contain a minimum area of 1.38 acres and a lot frontage of two hundred (200) continuous feet for a depth of three hundred (300) continuous feet.
- B. Corner Lots. The buildings setback on corner lots shall be one hundred (100) feet from both street right-of-way lines. The remaining yards shall conform to the provisions contained herein.
- C. Yards Required. Yards of the following widths or depths shall be provided for all permitted uses unless otherwise permitted by this Resolution.
 - 1. Front Yard. The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be appropriately buffered, (see section 807 - buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.
 - 2. Side Yard. There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district shall be appropriately buffered as per Section 807 - Buffering. Such space shall remain open and unoccupied by any principal or accessory building or use.
 - 3. Rear Yard There shall be a rear yard of not less than seventy-five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be graded and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately buffered as per Section 807 - Buffering, and shall remain open and unoccupied by any principal or accessory building.
- D. Percentage of Lot Coverage. Buildings together with their accessory uses in an “I” District shall cover not more than forty (40%) percent of the area of any lot.

806: SUBMISSION OF PLANS

The provisions of Section 309 shall be in full force and effect in this District. In addition to those requirements noted in Section 808 (F)

807: STREETS, SEWERS, AND WATER LINES

All streets, sewers, and water lines in any industrial district shall meet County standards. As a condition precedent to the issuance of a zoning certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in streets abutting lot lines as approved by the County Engineer. Where, however, not all or substantially all of a plat is to be utilized initially, the Zoning Commission shall authorize the postponement, until further improvements are to be made, of as much of the installation of streets, sewers, water lines, and other improvements as is reasonable under the circumstances of the uses to be made of the plat and the drainage and traffic problems of the area.

808: BUFFERING

A. Intent. The intent of this section is:

1. To extend space or screen undesirable views to reduce the impact of the one land use upon another.
2. To increase soil water retention through landscape requirements.
3. To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses and certain multi-family uses.
4. To supplement land use planning and not be considered as its substitution.

B. Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the residents of the Township providing for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock of impact of incompatible uses of real properties between one use or zone district and another.

C. Definitions.

1. Landscaping. Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees, and non-living durable materials commonly used in landscape development.
3. Screen. Plant material or other non-living durable material including but not limited to walls, berms, or wood fencing of a decorative type.
4. Shrubs. Self-supporting, deciduous, and/or evergreen species normally branched near the base, bushy, less than fifteen (15) feet in height, as normally grown in Lorain County.
5. Trees. Self-supporting woods, deciduous and/or evergreen plants with

a well-defined central stem or species that normally grow to a height of fifteen (15) feet or more in Lorain County.

6. Vines. Plants that normally require physical support to reach mature form.

D. General Provisions.

1. Materials. Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or combination thereof.
2. Screening. Screening shall consist of plant material or other non-living durable landscape material.
3. Buffered Areas.
 - a. Location and Width. Buffering areas shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district and shall be a minimum of thirty (30) feet in width.
 - b. Use. Designed buffered areas shall be used for no other purpose than plantings or screening except necessary ingress or egress to or from the buffered area.
 - c. Design. A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate use of such easement areas for fire protection purposes.
4. Fences and Walls. Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style and type. Walls and berms should be used only in the most unusual cases, as one of the several options to fulfill the buffering requirement.
5. Natural Plantings Requirements. Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty (60%) percent, when viewed from two (2) to ten (10) feet above ground level.
6. Buffering Effect. The desired building effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five (5)

years from the time initial installation was to have been installed.

7. Modification of Requirements. The Zoning Commission may modify or change the location of a buffered area contiguous to side and rear property lines where topographical problems prevent the installation thereof of buffer materials or plantings.

E. Applicability. Landscape buffering shall be mandatory between zoning districts. No existing building structure or vehicular use adjoining a single-family or multi-family zoned area shall be expanded, altered, or modified until the plans are submitted by the owner or developer to the Zoning Commission. The Zoning Commission shall review such plans to determine if the changes adversely affect any properties in a single area. The Zoning Commission after its review shall require, where necessary, the establishment of a landscape buffering area or a revision of a previously established buffered area.

Owners or developers of off-street parking areas shall be required to include a plan for buffering the parking area that such plan shall be submitted to the Zoning Commission for approval. The buffering plan may be included as a part of the development plot plan when a submission of a development plot is required.

F. Procedures.

1. When an application for Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If he/she determines that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following:
 - a. A copy of the site plan.
 - b. Topography of the building site and surrounding area.
 - c. A complete description of the area to be constructed or modified.
2. The applicant shall provide to the Zoning Commission, a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.
3. Where buffering is required, a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/ or developer shall include among other requirements, the following:

- a. Provisions for maintenance of the landscape buffer on the part of the applicant.
- b. Replacement procedures for any portion of the landscape buffer that is for any reason no longer visible.
- c. For replacement of the landscape buffer involving plant material that does not extend beyond the next growing season.
- d. For the replacement of landscape material such as fences and the like.
- e. To replace landscape material within sixty (60) days from the date of notification by the Zoning Inspector of non-compliance.

809: PERMITTED SIGNS

The provisions of Article X shall apply in this District.

810: OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

811: GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

812: ADULT USES/SEXUALLY ORIENTED BUSINESSES

The LaGrange Township Board of Trustees has determined that numerous impact studies have been conducted pertaining to the effects of adult uses/sexually oriented businesses on the neighborhoods and areas in which those businesses are located.

The members of the LaGrange Township Board of Trustees have been provided with, have reviewed, and have considered copies of the “Adult Entertainment Study” dated November 1994, conducted by the New York City Department of Planning; “Adult Entertainment Businesses in Indianapolis, An Analysis” dated February 1984, conducted by the Department of Metropolitan Development of the City of Indianapolis; and the “Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses” dated June 6, 1989, conducted by the Attorney General for the State of Minnesota.

The “Adult Entertainment Study” of the City of New York contains summaries of impact studies from the cities of Islip New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas; Phoenix, Arizona; Manatee County, Florida; New Hanover County North Carolina; and the State of Minnesota.

These numerous studies conclude, based on documented evidence, that adult uses/sexually oriented businesses have negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality

of rural and urban life, and the spread of sexually transmitted diseases.

The adverse effects of adult uses/sexually oriented businesses are compounded when such businesses are located in close proximity to each other and have the tendency to create “dead zones.”

The LaGrange Township Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.

The LaGrange Township Board of Trustees desire to prohibit the establishment of adult uses/sexually oriented bussess within the close proximity to exiting adult uses/sexually oriented businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers.

It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment to the United States Constitution. The intent is to enact a content-neutral resolution which addresses the secondary effects of adult uses/sexually oriented businesses.

There is adequate land available in LaGrange Township, zoned Industrial within which adult uses/sexually oriented businesses may be located.

It is not the intent of this resolution or any related resolutions to condone encourage or legitimize the distribution of obscene material or the establishment of adult uses/sexually oriented businesses.

A. DEFINITIONS

As used to apply to the regulation of adult use/sexually oriented businesses as contained in this resolution:

1. “Adult use/sexually oriented business” means any of the following:
 - a. Adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio, or sexual encounter center.
2. “Specified sexual activities” means any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - c. Excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above.
3. “Specified anatomical areas” means:
 - a. The human male genitals in a discernibly turgid state, even if

- completely and opaquely covered; or
- b. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.
4. “Nudity” or “nude” means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
 5. “Semi-nudity” or “semi-nude” means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposing in whole or in part.
 6. “Covering” means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
 7. “Parcel of Land” means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, and which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
 8. “Employee” means a person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
 9. “Adult arcade” means any place to which the public is permitted or

invited where either or both: (a) motion picture machines, projectors, video or laser disc player, or other video or image-producing devices are available, run via coin, token, or any other form of consideration, to show images to five or fewer persons per machine at any one time; or (b) live entertainment is available in a format designed for viewing by five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

10. "Adult bookstore," "adult novelty store," or "adult video store" means a commercial establishment which, as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if: (I) such commercial establishment devotes more than 30 percent of its total floor area to such sales or rentals, (ii) such commercial establishment devotes more than 30 percent of its product display space to such sales or rentals, or (iii) on an annual basis, more than 30 percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by the depiction or description of specified sexual activities or specified

anatomical areas or are designed for use in connection with specified sexual activities.

11. "Adult cabaret" means a nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers, features:
 - a. Persons who appear in a state of nudity or semi-nudity;
 - b. Live entertainment characterized by the depiction of description of specified anatomical areas; or
 - c. Live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment.

12. "Adult motel" means a hotel, motel or similar commercial establishment that:
 - a. Offers accommodations to the public for any form of considerations and provides patrons with closed-circuit television transmissions, films, motions pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specifies anatomical areas and has a sign visible from the public right of way which advertises the availability of this sex oriented type of photographic reproductions;
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

13. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

14. "Nude model studio: means any place where a person who appears nude or semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

"Nude model studio" does not include:

- a. A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public

- taxation;
 - b. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - c. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.
15. "Sexual Encounter center" means a business or commercial enterprise that offers for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
16. Adult use/sexually oriented businesses as defined in this Zoning Resolution are permitted only in industrial zoned districts, provided further that no adult use/sexually oriented business as defined in this Zoning Resolution shall be operated or maintained on a parcel of land located within:
- a. A flood plain district
 - b. 1000 feet of any parcel of land which is zoned residential.
 - c. 1000 feet from any parcel of land on which a church, public library, public or private educational facility that serves persons under 18 years of age, elementary school, public park or playground, or state-licensed hay care facility.
 - d. 1000 feet from any parcel of land on which any other adult use/sexually oriented business is located.
 - e. 1000 feet set back from any State Highway or any intersection.

For purposes of this section distances shall be measured in a straight line from property line to property line, using the closest property lines of the parcels or land involved.

ARTICLE IX

“FP” FLOOD PLAIN DISTRICT

901: PURPOSE

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the one hundred (100) and fifty (50) year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that the carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in time of high water. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency.

902: PERMITTED USES

In addition to any other provisions of this Resolution, no building or structure shall be erected, converted, or structurally altered and no land and/or structure shall be used except for one or more of the following uses:

- A. Open space uses, such as farms, truck gardens, nurseries. Such other open space uses as: preserves, bridle trails, and nature paths, PROVIDED no alteration is made to the existing grade level of the flood plain or structures which may interfere with the flow of the river or its flood plain capacity.
- B. Yard and setback areas required for any district within the flood plain zone.

903: CONDITIONALLY PERMITTED USES

The following use of land and structures may be permitted by application for and the issuance of a conditional zoning permit by the Board of Zoning Appeals:

- Golf Courses (see Section 407)
- Parks and Playgrounds (see Section 410)
- Plant Nursery (see Section 411)
- Recreational Campgrounds (see Section 423)

904: SUBMISSION OF PLANS

The provisions of Section 309 shall apply in this District.

905: TOWNSHIP LIABILITY

Lagrange Township shall incur no liability whatsoever by permitting any use of building within a flood plain within the Township.

906: PERMITTED SIGNS

The provisions of Article X shall apply in this District.

907: OFF-STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

908: GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

909: CONSTRUCTION REQUIREMENTS

All construction in the Flood Plain shall be done in accordance with local regulations currently in effect as adopted and amended.

ARTICLE X SIGNS

1001: INTENT

It is the intent of the Township in setting forth the requirements in this Article to provide for reasonable and appropriate conditions for the advertising, by permanent signs, of goods and services rendered in the community so that property values within the Township will be preserved and protected and potential traffic hazards will be avoided. At the same time, it is the intent of the Township to regulate advertising, by temporary signs and structures, in order to prevent potential traffic hazards, to proscribe intrusive and unpleasant formats for expressions, to eliminate debris that settles in drains and ditches, to eliminate unsightliness and litter, and to otherwise enhance the appearance of the community.

1002: GENERAL

- A. Public notices and Christmas display lighting shall be exempted from the requirements of this Resolution.
- B. Area measurements for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs or symbols.
- C. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.
- D. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any specified "A" District shall not exceed ten (10) square feet. Signs for conditional uses in any business, commercial or industrial district shall be as specified or conform to the requirement for the most similar use in the district in which it is located subject to approval of the Zoning Board of Appeals.
- E. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate system, if such laws are more restrictive than the provisions of this Resolution, they shall apply. The total area of all free-standing

signs, pole signs, or signs projecting beyond building walls shall not exceed two hundred (200) feet for any individual business establishment or use in any district.

1003: RESIDENTIAL DISTRICTS

- A. One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed the ten (10) square feet.
- B. Real estate signs advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.
- C. Signs for home occupations, professional activities and non-conforming uses, where existing or permitted, shall no exceed ten (10) square feet in area in any "A" District.
- D. Bulletin boards and signs for a church, school, community or other public or semipublic institution shall be permitted provided the area of such sign does not exceed twenty (20) square feet per face.
- E. Wall signs pertaining to a nonconforming use shall be permitted, if on the same premises of such use, provided the area of such sign does not exceed ten (10) square feet and faces the main thoroughfare.
- F. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.
- G. Temporary signs shall be permitted not closer than the highway right-of-way line provided the bottom of the sign is more than three (3) feet above ground level.

1004: BUSINESS DISTRICTS

- A. In a business or commercial district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.
- B. The erection of outdoor advertising signs shall be permitted in all commercial districts provided such signs advertise a bonafide business or service conducted on the premises and the size of the sign shall be limited as provided herein.
- C. The area for all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one-half (1 1/2) square feet per lineal foot of building width, but not to exceed two hundred (200) square feet.
- D. Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one

hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any street, right-of-way or adjoining lot line.

- E. Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:
1. No part of such sign shall project into the right-of-way of any street or highway.
 2. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way;
 3. The maximum area of any one face of such sign located within the front yard shall not exceed fifty (50) square feet.
 4. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "A" District nor within twenty (20) feet of the intersecting right-of-way of any state or federal highway and major or secondary street.

1005: INDUSTRIAL USES

The area for all permanent signs located on the premises with any industrial use shall be limited to an area not to exceed one and one-half (1 1/2) square feet per lineal foot of building width, but not to exceed two hundred (200) square feet.

1006: SETBACK REQUIREMENTS

Signs and outdoor advertising structures or billboards except as specifically permitted within this Article shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such Districts except for the following modifications:

For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, such setback shall be increased by one-half (1/2) foot but such setback need not exceed one hundred (100) feet.

1007: YARD PROVISION

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be permitted within fifty (50) feet of the front, side or rear lot line of any lot in any "I" District or within one hundred (100) feet of any public parkway, public square or entrance to any public park, public or parochial school, library,

church or similar institution.

1008: ALLOWED SIGNS

Signs whose subject matter relates exclusively to the premises on which they are located, or to products, accommodations, or activities on those premises, shall be allowed as follows:

- A. Number of signs - Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominate use. In addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.
- B. Location of signs - No sign shall overhang the public way to within three (3) feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than one-third (1/3) of the sidewalk width.
- C. No sign shall extend more than fifteen (15) feet above record grade or more than four (4) feet above the lowest point of the roof of the single story building with which it is associated, whichever is less restrictive, not above the third floor of a multi-story building, except that motels, hotels, and other transient lodgings may display such signs up to forty (40) feet above record grade.
- D. The top of pedestrian signs shall be no higher than ten (10) feet above the sidewalk.
- E. For other than first floor occupants, occupancy signs shall be located between the second and third floors.
- F. Permanent signs on the surface of or inside display windows shall cover no more than ten (10%) percent of the display window area.
- G. Portable signs shall be allowed without permit not to exceed ten (10) days in any thirty (30) days period provided such signs meet all other requirements of this Resolution.
- H. The minimum height of the lowest member of a projection sign shall be not less than ten (10) feet.

1009: LETTERING

- A. Building signs shall not employ letters exceeding eight (8) inches in height in Residential Districts as defined in this Resolution or eighteen (18) inches in height elsewhere.

- B. Occupancy signs shall not employ letters exceeding six (6) inches in height.
- C. Pedestrian signs shall not employ letters exceeding three (3) inches in height.

1011: TEMPORARY SIGNS

Temporary signs are those signs which are designed to advertise or announce an event or project in progress or an upcoming event and which serve no further purpose when the event has passed or the project has been completed. Examples are construction in progress signs, real estate sale signs, signs that advertise an upcoming event such as a church dinner, and signs that advocate the election of a candidate or candidates or the passage or disapproval of an issue.

No permit is required for temporary signs. Temporary signs are allowed provided the following conditions are met:

- A. No sign shall exceed ten (10) square feet in size.
- B. No sign shall be erected on public property, nor shall any sign be placed on utility poles, trees, hydrants, or fences, nor shall any sign be erected or placed on, over or within a railroad, township, county, municipal, or state road right-of-way.
- C. No sign shall be erected on vacant lands or open farm fields unless, on such erected sign, there appears the signature of the owner of the property which demonstrates his or her consent to such sign being placed on such land, or unless the person responsible for erecting the sign has received verbal permission.
- D. Signs that advertise or announce an upcoming event shall be permitted for a period not more than thirty (30) days before and ten (10) days after such event. In the case of political signs, such signs shall be permitted for a period of not more than thirty (30) days before and ten (10) days after the election.
- E. Signs which advertise or announce an event or project in progress such as a construction sign or a real estate sale sign shall be removed within ten (10) days after the sale, event, or project is completed.
- F. Any sign erected shall, at all times, be maintained and replaced, if needed.

1012: PROHIBITED DEVICES

- A. No sign or light shall move, flash, or make noise.
- B. Any limitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.
- C. Fluorescent colors in the yellow to red spectrum are prohibited.

1013: ADMINISTRATION

- A. No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information required by the Zoning Inspector as evidence for the permit.
- B. Fees for sign permits shall be fixed by the Township Trustees.
- C. Appeals may be made to the Zoning Board of Appeals by the same procedure governing other zoning appeals.

1014: PENALTY, REMOVAL

Whosoever shall violate the provisions of this Article shall be guilty of a minor misdemeanor and, upon conviction, shall be fined not more than One Hundred (100) Dollars for each offense. Each day that a sign is erected or maintained in violation of this Article shall constitute and shall be deemed a separate offense.

Any sign found erected or placed in a manner contrary to the provisions of this Article may be removed by the Township Zoning Inspector, a Township Trustee, the Township Road Department or the County Sheriff's Department. The person responsible for such illegal erection or placement shall be liable for the cost incurred in the removal thereof and the Board of Township Trustees is authorized to effect the collection of said cost.

ARTICLE XI
OFF STREET PARKING
AND LOADING FACILITIES

1101: GENERAL REQUIREMENTS

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with provisions of this Resolution.

- B. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.

- C. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provided whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1102: PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1118 of this Resolution.

1103: LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1104: PAVING

The required number of parking and loading spaces as set forth in this Article together with driveways, aisles, and other circulation areas, shall be improved with acceptable impervious material to provide a durable and dust free surface.

1105: DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

1106: MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

1107: LIGHTING

Any parking area that is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

1108: LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas.

- A. Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve.
- B. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Zoning Board of Appeals.
- C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

1109: SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides that adjoin or face any property used for residential

purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

No one area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.

1110: REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least six (6) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Trustees shall be required.

1111: DISABLED VEHICLES

- A. The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) months shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.
- B. Any inoperable farm equipment, trucks, implements, discarded parts of machinery, tires, or any discarded home appliances must be removed from public sight.

1112: MINIMUM DISTANCE AND SET BACKS

- A. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one (1) family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.
- B. A property owner or lessee may park only one tractor-trailer rig on his property at any one time.

1113: JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Board of Appeals shall be filed with the application for a zoning permit.

1114: WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

1115: WIDTH OF DRIVEWAYS

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking; twelve (12) feet wide for parallel parking, eighteen (18) feet for sixty (60) degree parking; and thirteen (13) feet for forty-five (45) degree parking.

1116: ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a street shall be traveling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a street. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards.

- A. One way traffic: For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.
- B. Two way traffic: Access road for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.

1117: STRIPING

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both side of center between stalls to facilitate the movement into and out of the parking stalls.

1118: PARKING SPACE REQUIREMENTS

For the purpose of this Resolution, the following parking space requirements shall apply:

<u>RESIDENTIAL</u>	<u>PARKING SPACES REQUIRED</u>
Single Family, Two Family dwelling	Two for each unit.
Apartment Hotels, Apartments, or Multi-Family Dwellings	Two for each unit.
Boarding Houses, Rooming Houses, Dormitories, and Houses which occupant have sleeping rooms.	Two for each sleeping room or two for each permanent Fraternity

<u>COMMERCIAL</u>	<u>PARKING SPACES REQUIRED</u>
Automobile Service Stations	One for each two gasoline pumps and two for each service bay plus one for each employee and one for each restroom.
Hotels, Motels	One per each sleeping room plus one space for each two employees.
Funeral Parlors, Mortuaries	One for each one hundred (100) and similar type uses square feet of floor area in slumber room, parlors, or service rooms.
Retail Stores	One for each two hundred fifty(250) square feet of floor area.
Banks, Financial Institutions and similar uses	One for each two hundred (200) square feet of floor area.
Offices, Public or Professional Administration, or Service Buildings	One for each four hundred (400) square feet of floor area.
All other types of Business or Commercial uses permitted in any Commercial District	One for each three hundred (300) square feet of floor area.

<u>RECREATIONAL OR ENTERTAINMENT</u>	
Dining Rooms, Restaurants Taverns, Night Clubs, etc	One for each two hundred (200) square feet of floor area.

Bowling Alleys	Four for each alley or lane plus one additional space for each one hundred (100) square feet of the area used for restaurant, cocktail lounge, or similar use.
Dance Floors, Skating Rinks	One for each one hundred (100) square feet of floor area used for activity.
Outdoor Swimming Pools	One for each five (5) persons
Public or Community or Club	Capacity plus one for each four (4) seats or one for each thirty (30) square feet of floor area used for seating purposes, whichever is greater.
Auditoriums, Sport Arenas, and similar uses.	One for each four (4) seats.

<u>INSTITUTIONAL</u>	
Churches and other places of Religious Assembly.	One for each four (4) seats.
Hospitals	One for each bed.
Sanitariums, Home for the Aged, Nursing Homes, Children's Homes, Asylums and similar use.	One for each two (2) beds.
Medical and Dental Clinics.	One for every two hundred (200) square feet of floor area of examination, treating room, office and waiting room.
Libraries, Museums and Art Galleries.	One for each four hundred (400) square feet of floor area.
SCHOOLS, (PUBLIC, PAROCHIAL, OR PRIVATE) Elementary and Junior High Schools	Two for each classroom and one for every eight (8) seats in auditoriums or assembly halls.
High Schools	One for every ten (10) students, and one for each teacher and employee.
Business, Technical and Trade Schools.	One for each two (2) students.
Colleges, Universities.	One for each four (4) students.
Kindergartens, Child Care Center, Nursery School and similar uses	Two for each classroom but not less than six (6) for the building.

<u>INDUSTRIAL</u>	
All types of Manufacturing, Storage.	One for every two (2) employees (on and Wholesale uses permitted in any the largest shift for which the Industrial District building is designed) plus one for each motor vehicle used in the business.
Cartage, Express, Parcel Delivery.	One for every two (2) employees (on Freight Terminals the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

1119: GENERAL INTERPRETATIONS

In interpretation of this Article, the following rules shall govern:

- A. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Board of Appeals.
- B. Fractional numbers shall be increased to the next whole number.

1120: PLOT PLAN REVIEW

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector before a zoning permit can be issued. Such plans and specifications shall show the locations, basis and capacity calculation, size site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to the complete design and construction of the parking area.

ARTICLE XII PROHIBITED USES

1200: PURPOSES

The purpose of this Article is to prevent misuse of the environment.

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any "A", "B", "I", or "FP" District.

1201: DUMPING

A. Dumping, storing, disposing of or burning of solid wastes, hazardous and/or toxic wastes, garbage, refuse, scrap metal, industrial ash, tires, rubbish, offal, dead animals, brine, or demolition materials. Also disposal of any kind of medical and/or infectious wastes **including dumping, storing or disposing of human waste or septage.***

1. "Solid wastes" means such materials as are described in Ohio Revised Code Section 3734.01 (E) or in such statute as it may hereafter be amended.
2. "Hazardous and/or toxic wastes" means materials as are described in Ohio Revised Code Section 3734.01 (J) or in such statute as it may hereafter be amended.
3. "Demolition materials" means materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials.
4. "Medical wastes and/or infectious wastes as defined by the State Health Dept."
5. (*Effective Date – 8/23/06) "Septage" means the liquid and solid material periodically removed from a septic tank, cesspool or portable toilet. This is the definition of septage as described in Ohio State Agriculture Bulletin 854, Septage Management in Ohio.

B. Materials such as concrete, stone, and brick may be utilized as fill provided a zoning permit is obtained therefore from the Zoning Inspector. Any application for such permit must describe in detail the elevations of the property and the need for the fill.

1202: Junk Yards

Junkyards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, or for dismantling used vehicles are prohibited in all districts of the Township.

1203: Storage of Junk Vehicles and Parts

- A. Storage of Vehicles and Parts Prohibited. No person shall keep, store, place, permit, or allow to remain upon any lot, part of land, or parcel of land within LaGrange Township any automobile parts or motor vehicle parts or not more than two of the following: any unlicensed motor vehicle, any motor vehicle in an inoperative condition, or any junk vehicle or motor vehicle unfit for further use.
- B. Certain Vehicles and Parts Excepted. The provisions of subsection (A) above shall not apply to any motor vehicle or automobile parts or motor vehicle parts which are kept within an enclosed building; held for repair purposes by a licensed car dealer or repair garage when the same does not exceed a period of thirty days; stored in an authorized junk yard when said junk yard is fenced and screened from the public view and access; towed from the scene of an accident and held for not more than seventy-two hours after the time of the accident; or held or stored under orders or request of a police authority.
- C. Notice of Violation. In the event of a violation of this Section 1202, written notice of the violation will be given to the owner, occupant, or persons having charge of the lot or land upon which the violation occurs or takes place, or to the persons causing or allowing the violation to exist upon the lot or land, to cease such violation within seventy-two hours of the receipt of written notice. In the event of a second violation of this Section 1202 within one year of the first notice of violation, notice of violation is not required.
- D. Penalty. Any person who fails to comply with this Section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- E. Any of the following mentioned herein which are not occupied or operable at the date this resolution becomes effective or become unoccupied for a period of ninety (90) days must be torn down and/or removed from the premises, or stored out of public sight.
 - 1. Trailer parks, tents, trailers, coaches, buses, truck bodies, vans, streetcars, railroad cars, and motor homes.

1205: Cabins for transient use.

1206: Exotic and/or wild animal farms.

1207: Manufacturing or storage of explosives, gunpowder, or fireworks.

1208: Distilling of bones, fat or glue, or glue or gelatin manufacturing.

1209: Sludge application in compliance with Lorain County Health Department regulations and applicable state laws and regulations.

1210: Any use which constitutes a nuisance under ORC 3767.01© shall be prohibited in all districts of the Township, including but not limited to outdoor theaters, slaughter houses, breweries, metallic powder works, and chemical plants.

ARTICLE XIII

ADMINISTRATION - ENFORCEMENT

1301: ZONING PERMITS

- A. Zoning Permits Required. No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector that does not conform with the provisions of this Resolution unless he receives a written order from the Zoning Board of Appeals, deciding an appeal or permitting a conditional use

or variance, as provided by this Resolution.

B. Content of Application for Zoning Permit. The application for a Zoning Permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or completed within two (2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant and/or owner.
2. Legal description of property and legal recorded deed in owner's name(s) and a health permit (if applicable).
3. Existing use.
4. Proposed use.
5. Zoning District.
6. Plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.
7. Building heights.
8. Number of off-street parking spaces or loading berths (if applicable).
9. Number of dwelling units.
10. Indicate the location of underground fuel tanks (if applicable).
11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement, of this Resolution.
12. Farm building permits application plans shall be submitted, drawn to scale, showing the actual dimensions and the shape and location and dimensions of the proposed building(s) or alterations.

C. Approval of Zoning Permit. Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve, refer, or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within one year. The Zoning Inspector shall return one copy of the plans to the applicant; after he shall have marked such copy either as approved or disapproved and attested to it by his

signature on such copy. The Zoning Inspector may issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

- D. Submission to State Highway Director. Before any zoning permit issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.
- E. Expiration of Zoning Permit. If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; the Zoning Inspector shall revoke it, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been fully completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

1302: FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Article XV of this Resolution.

1303: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning permits issued on the basis of plans on applications approved by the Zoning Inspector authorize only the use, and arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as proved in Article XV of this Resolution.

1304: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person shall file a written complaint. Such complaint stating fully the causes and basis thereof

shall be filed with the Zoning Inspector. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution. The Zoning Inspector shall respond within thirty (30) days to the person filing the written complaint as to the action taken and when.

1305: SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, and all other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only through the Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

1306: ZONING AMENDMENTS

A. General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

B. Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission.
2. By adoption of a resolution by the Township Trustees.
3. By the filing of an application by at least one owner of the property within the area proposed to be changed or affected by said amendment.

C. Contents of Application. The application for amendment shall contain at least the following information prepared in triplicate:

1. Name, address, and phone number of applicant.
2. Proposed amendment to the text or legal description.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.

7. A vicinity map at a scale approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require.
 8. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, showing the name and address of each property owner as listed on the County Auditor's current tax list.
 9. A fee as established by the Township Trustees.
- D. Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one owner, said resolution of the application shall be transmitted to the Zoning Committee.
- E. Public Hearing by the Zoning Commission. The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, nor more than forty (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.
- F. Notice of Public Hearing in Newspaper. Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.
- G. Notice to Property Owners by the Zoning Commission. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail ten (10) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.
- H. Submission to County Planning Commission. Within five (5) days after the adoption of a motion by the Zoning Commission transmittal of a resolution by the Township Trustees, or the filing of an application by at least one owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the County Planning Commission. The

County Planning Commission shall recommend the approval or some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

- I. Recommendations by the Zoning Commission. Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.
- J. Public Hearing by the Township Trustees. Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. Such hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- K. Notice of Public Hearing in Newspaper. The Township Trustees shall give notice of the public hearing by at least one publication in one or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- L. Notice to Property Owners by the Township Trustees. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Clerk, by first class mail at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.
- M. Action by the Township Trustees. Within ten (10) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must do so by a unanimous vote.
- N. Effective Date and Referendum. Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Township Clerk a petition, signed by a number of qualified voters residing in the Township equal to not less than eight (8) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the

Township Trustees to submit the zoning resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

- O. State Law to Control. To the extent that the heretofore described zoning amendment procedures conflict with or are inconsistent with the Ohio Revised Section 519.12, the provisions of such state statute shall control

ARTICLE XIV ZONING BOARD OF APPEALS

1401: PURPOSE

The purpose of the Zoning Board of Appeals shall be to decide any issue involving the interpretation of the provisions contained in this Resolution in instances of unnecessary hardship and to authorize conditional uses as herein provided.

1402: ORGANIZATION AND PROCEDURE

A. Appointment. The Board shall be composed of five (5) members, all of whom are residents of the Township. The Trustees shall appoint members for a period of five (5) years. The terms shall be so arranged so that the term of one member shall expire each year. Should any vacancy on the Board occur for any reason, the Trustees shall appoint a successor to serve the unexpired term. The Trustees have the right to remove any members of the Board with due cause.

B. Organization and Rules.

1. The Zoning Board of Appeals shall organize annually and elect a chairman and vice-chairman from its membership. A secretary may be appointed. The Zoning Board of Appeals shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the

Resolution.

2. The chairman shall preside at all meetings of the Zoning Board of Appeals. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Board of Appeals. The chairman may appoint committees deemed necessary to carry out the business of the Zoning Board of Appeals. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Zoning Board of Appeals.
 3. The vice-chairman shall serve in the absence of the chairman. He shall have all the powers of the chairman during his absence, disability or disqualification.
 4. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Zoning Board of Appeals.
- C. Meetings. Meetings of the Zoning Board of Appeals shall be held quarterly or at the call of the chairman and at such times as the Board may determine. All meetings shall be open to the public.
- D. Voting
1. All actions of the Zoning Board of Appeals shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.
 2. No member of the Zoning Board of Appeals shall vote on any matter in which he is personally or financially interested.
- E. Minutes and Records. The secretary of the Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Office and shall be a public record.
- F. Witness and Oath. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.
- G. Department Assistance. The Zoning Board of Appeals may call on any applicable county or state agency for assistance in the performance of its duties, and it shall be

the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Commission may make an analysis and present a report on any matter before the Zoning Board of Appeals. The Zoning Board of Appeals shall consider such report at the time of hearing on the matters.

1043: GOVERNING GUIDELINES

- A. The Zoning Board of Appeals shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.
- B. The Zoning Board of Appeals shall become familiar with all enacted resolutions and laws of Lagrange Township under which it may be expected to act as well as with applicable state enabling legislation.
- C. The Zoning Board of Appeals shall uphold the Zoning Resolution and Official Zoning Map of Lagrange Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
- D. The Zoning Board of Appeals shall become familiar with the community goals, desires and policies. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances or the setting of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

1404: JURISDICTION AND POWERS

The Zoning Board of Appeals shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B. To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.
- C. To hear and decide upon application for variances under the terms provided in this Resolution.
- D. To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Zoning Board of Appeals shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.

- E. To exercise such other powers as may be granted to the Zoning Board of Appeals by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.
- F. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance or conditional use as defined in this Article.

1405: PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

- A. Appeals. Appeals to the Zoning Board of Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Fees. See Section 1305
- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Zoning Board of Appeals or by a court of record on application, with a notice to the Zoning Inspector from whom the appeal is taken.
- D. Variances
 - 1. The Zoning Board of Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardships. No non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.
- E. Application and Standards for Variances. The variance from the terms of this Resolution shall not be granted by the Zoning Board of Appeals unless and until a

written application for a variance is submitted to the Zoning Inspector and the Zoning Board of Appeals containing:

1. Name, address, and phone number of applicants.
2. Legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.
 - b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

F. Conditions for Granting Variances. The Zoning Board of Appeals may grant variances where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. An aggrieved property owner may make a request for a variance to the Zoning Board of Appeals through the Zoning Inspector. The Zoning Board of Appeals shall not authorize a variance from the provisions or requirements of this Resolution unless it finds that all the following facts and conditions exist:

1. That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardship, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must demonstrate that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.
2. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
3. That because of such physical circumstances or conditions, there is no

possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

4. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
5. That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.
6. That said variance would not permit the establishment within a district, or any use other than those permitted by right within that district, or any use for which a conditional permit is required.
7. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.
8. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.
9. That in no instance shall a variance be considered for the following reasons:
 - a. Presence of nonconformities in the zoning district.
 - b. Previous variances granted in the zoning district.
 - c. Uses in adjoining zoning districts.
 - d. The applicant's belief that the intended use would be permitted upon his purchase of the land.
 - e. The character standing of the applicant.
 - f. Hardship being demonstrated beyond the contest of zoning; e.g. economics and health.
10. Area Variance - a "practical difficulties test"; The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of this property include but are not limited to:
 - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - b. Whether the variance is substantial.

- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of variance.
- d. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, safety services).
- e. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- f. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
 - i. Standard for area variance is much less stringent than standard for use variance.
 - ii. Both variances and their standards should be contained within a township zoning resolution.

G. Variances to Non-conforming Uses and Buildings. The Zoning Board of Appeals shall have no powers to authorize, as a variance, the establishment of a nonconforming use where none previously existed. The substitution of a nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Zoning Board of Appeals shall adhere to all regulations contained in **Section 308** of this Resolution in acting upon all nonconforming uses and modifications thereto.

H. Conditions Imposed by the Zoning Board of Appeals. The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XV of this Resolution.

I. Lapses of Variances. A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of one (1) year, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Inspector shall give a notice in writing, and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

J. Public Hearing by the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

- K. Notice of Public Hearing in Newspaper. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
- L. Notice to Parties in Interest. Before holding the public hearing, parties of interest shall be notified in writing, by the Chairman of the Zoning Board of Appeals, at least ten (10) days before the day of the hearing. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1406: PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

- A. Contents of Application for Conditional Use Permit. An application for conditional use permit shall be filed with the Chairman of the Zoning Board of Appeals by at least one owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Legal description of property.
 - 3. Description of existing use.
 - 4. Present zoning district.
 - 5. Description of proposed conditional use.
 - 6. A plan of proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic areas and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Zoning Board of Appeals may require to determine if the proposed conditional use meets the intent and requirement of this Resolution.
 - 7. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.
 - 8. Such other information as may be required.
- B. General Standards Applicable to All Conditional Uses. In addition to the specific

requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plea.
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost of facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
8. Will not result in the destruction, loss, or damage of a natural, scenic, historic feature of major importance.

C. Supplementary Conditions and Safeguards. In granting any conditional use, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable.

D. Zoning Commission Review and Comment. The Zoning Commission shall be informed of each application for a conditional use permit.

- E. Public Hearing by the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing within forty (40) days from the receipt of the application for a conditional use.
- F. Notice of Public Hearing in Newspaper. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of such public hearing, and the nature of the proposed conditional use.
- G. Notice to Parties in Interest. Before holding the public hearing, parties of interest shall be notified in writing, by the Chairman of the Zoning Board of Appeals, at least ten (10) days before the day of the hearing. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.
- H. Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

1407: DECISION OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall decide all applications for variances; conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact that were the basis for the Board's determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Inspector. The decision shall state any conditions and safeguards necessary to protect the public interest. In rendering a decision, the Board shall be guided by standards specified in this Resolution. A copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever the Board authorizes a permit. All findings and decisions, shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that:

- A. It has considered and evaluated all available information and evidence.
- B. It has heard all parties in question.
- C. Any personal knowledge the Board may have of the subject under question has been taken into account.
- D. The Board has received a report on the case based upon an inspection of the parcel in question.

1408: DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEALS

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by Section 1409 of this Resolution and the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Zoning Board of Appeals. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of all appeal cases brought before it the Zoning Board of Appeals finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

1409: APPEAL TO COURTS

A person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Court of Common Pleas of Lorain County, Ohio.

ARTICLE XV
PENALTIES FOR VIOLATION

1501: PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various Articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (100) dollars, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

1502: CIVIL ACTION

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor or Township Legal Advisor, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1503: REMEDIES CUMULATIVE

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio.

ARTICLES XVI
MISCELLANEOUS PROVISIONS

1601: INTERPRETATION

In interpreting and applying the provisions of the Resolution, they shall be held to be minimum requirements for the promotion of public health, safety or general welfare. Where this Resolution imposes greater restrictions upon the use of a building or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other resolutions, rules, regulations or permits, or any easements, covenants or agreements, required under the regulations of this Resolution, such provision shall govern.

1602: VALIDITY

If any section, clause, provision or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other Article or part thereof.

1603: EFFECTIVE DATE

This Zoning Resolution shall take effect and be in force at the earliest date permitted by the Ohio Revised Code.

1604: REPEAL

Resolution of Lagrange Township and any subsequent resolution amending the same and all other resolutions or part of resolutions in conflict herewith or contrary hereto be and the same are repealed.

ARTICLE XVII
“R-1” MEDIUM DENSITY RESIDENTIAL
(Effective 5/19/05)

1701: PURPOSE

It is the intent of the Township of LaGrange in the establishment of the R-1 zone to provide for areas within the Township to be developed with sanitary sewers and a fire fighting water main system yet still retain a character in keeping with the rural tradition of the Township.

1701A Area

Township land surrounding the village and described by the following boundary: Beginning at the Southeast property line of original lot 66 and going west along the northerly line of Whitney and the southerly line of the Industrial Zone, to the easterly line of Whitehead Road, then going north along the easterly side of Whitehead Road to the South Side of Biggs Road and abutting up to the Village of LaGrange. Continuing east along the southerly side of Biggs Road and abutting up to the Village, proceeding to the southwest corner of Biggs and Wheeler Road. Moving south along the west side of Wheeler Road, abutting up to the village, and continuing to the north side of Route 303, where it terminates. (Effective November 23, 2005)

1702: PERMITTED USES

- A. Single family residences

1703: CONDITIONALLY PERMITTED USES

Home Occupations (See Section 503)

1704: YARD AND LOT REQUIREMENTS

- A. Only one house per lot is allowed.
- B. The minimum lot area is 28750 square feet
- C. The minimum width of the lot as measured at the building line is 125 feet.
- D. The minimum width of a corner lot shall be 155 feet.
- E. The minimum depth of the lot as measured from the center of the road to the rear lot line is 230 feet. This depth may be decreased to 200 feet if the width of the lot is increased so that the area of the lot is at least 28750 square feet.
- F. The minimum front yard measured from the center of the road to the front building line shall be 105 feet. Except on federal or state highways where the front yard shall

- be 130 feet.
- G. The minimum set back from both streets for a corner lot shall be 105 feet.
 - H. The minimum side yard for each side shall be 20 feet.
 - I. The minimum rear yard shall be 40 feet. When the rear yard abuts a road, street or railroad right of way the rear yard shall consist of a 25 foot wide planting strip, plus the 40 foot rear yard, plus an additional 10 feet for a total rear yard depth of 75 feet. The 25 foot wide planting strip shall be designated on the plat:” this strip is reserved for screening”. Parking, vehicle access and the placement of structures, including fences and driveways, thereon is prohibited. If the rear yard abuts a state or federal highway the total rear yard depth, including the 25 foot planting strip shall be 100 feet.
 - J. The maximum percentage of lot coverage, all buildings including accessory buildings shall be 30% or less of the area of the lot.
 - K. The lot measurement provisions of this section supercede the general provisions of the definition section (Article 202).

1705 PRIVATE GAS WELLS

Private gas wells must comply with all state requirements.

1706 PRIVATE SWIMMING POOLS

The provisions of Section 610 of Article VI shall apply.

1707 PONDS

The provisions of Section 611 Article VI shall apply.

1708 MAXIMUM BUILDING HEIGHT

No building shall exceed 35 feet in height.

1709 REQUIRED MINIMUM LIVING AREA

A single-family dwelling shall have a minimum of 1,250 square feet living area.

1710 PERMITTED SIGNS

The provisions of Article X shall apply to this district.

1711 OFF STREET PARKING AND LOADING

The provisions of Article XI shall apply to this district.

1712 GENERAL REGULATIONS

- A. The provisions of Article III shall apply to this district.
- B. As a condition prior to rezoning any area R-1 there must be provisions for sanitary sewer service and water service to all lots.
- C. No area may be zoned R-1 unless 15% of its perimeter boundary is contiguous with the Village of LaGrange. Contiguous shall mean having a common property line. Property lines separated from the village by a street or roadway shall not be deemed contiguous.
- D. (Effective 8/23/06) Any area that is not contiguous with the Village of LaGrange may be zoned R1, notwithstanding division (C) of this section, if the Zoning Commission determines the zoning is necessary to advance the purpose of medium density zoning and to provide a buffer between the village and existing Agricultural-Residential zoning.

Effective May, 19, 2005

August 23, 2006 Section D effective

Zoning Map