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## ARTICLE ONE - Title and Purpose

**SECTION 101 Title and Purpose**  
**SECTION 102 Interpretation and Definitions**  
**SECTION 103 General Regulations**  
**SECTION 104 Landscaping Requirements**  
**SECTION 105 Telecommunication Towers**  
**SECTION 106 Flood Hazard Areas**  
**SECTION 107 Alternate Energy Systems**

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### Section 101 Title and Purpose

101.01	Title
101.02	Purpose
101.03	Interpretation

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#### 101.01 TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of the Municipality of LaGrange.

#### 101.2 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 Council finds it necessary and advisable to regulate the location, bulk, and size of buildings and other structures, including tents, cabins, camper vehicles and mobile homes and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes divides the incorporated area of the Municipality into districts or zones.

#### 101.3 INTERPRETATION

The provisions of this Zoning Ordinance shall be the minimum requirements for all buildings, structures, lots, or parcels of land within the Municipality of LaGrange. In the event that a property is subject to other lawfully enforced rules, regulations, laws, ordinances, or resolutions, as well as this Ordinance, and where this Ordinance imposes greater restrictions upon the use, development, or construction of any property, the regulations of this Ordinance shall govern. In the event that the other lawfully enforced rules, regulations, laws, ordinances, or resolutions impose greater restrictions than this Ordinance, the more restrictive shall apply.

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**Section 102  
Interpretation and Definitions**

102.01	Interpretation of Terms or Words
102.02	Definitions

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**102.1 INTERPRETATION OF TERMS OR WORDS:**

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

- A. "Person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- C. The word "building" includes the word "structure."
- D. "Shall" is a mandatory requirement, "may" is a permissive requirement, and "should" is a preferred requirement.
- E. "Lot" includes the words "plot " or " parcel."
- F. "Used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

**102.02 DEFINITIONS**

For the purposes of this Zoning Ordinance, the following terms shall have the meanings set forth below:

1. **Accessory Structure/Building:** A subordinate building located on the same a lot, the use of which is incidental and accessory to that of the main building or use, with the exception of landscaping. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.
2. **Accessory Use:** A use incidental to and on the same lot or property as the principal use.

3. **Adult Entertainment Business:** An adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or any adult only entertainment establishment as defined by this Ordinance.
  - a) **Adult Book Store:** An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated; or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices; or both books, magazines, other periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials as defined in this Ordinance.
  - b) **Adult Motion Picture Theater:** An enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined by this Ordinance.
  - c) **Adult Motion Picture Drive-In:** An open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Ordinance.
  - d) **Adult Only Entertainment Establishment:** An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material as defined in this Chapter; or which features exhibitions, dance routines, or gyrational choreography; or persons totally nude, topless, bottomless or strippers (male or female); female impersonators; or similar entertainment or services which constitute adult material.
4. **Adult Group Residential Facilities:** A building or group of buildings containing dwellings where the occupancy of the dwelling is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing facilities.
5. **Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, DVD or compact disk or other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

- a) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination
  - b) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
6. **Adult Motel:** A hotel, motel or similar commercial establishment which:
- a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a reputable presumption that the establishment is an adult motel as that term is defined in this ordinance.
7. **Adult Motion Picture Theater:** 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.”
8. **Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.

9. **Alterations:** As applied to a building, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.
10. **Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
11. **Amusement Arcade:** A place of business within a building or outdoor structure or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly used as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.
12. **Apartment House:** A building arranged, intended or designed to be occupied by three or more families living independently of each other.
13. **Appeal:** A request for review of the responsible authority's interpretation of any provision of this ordinance or a request for a variance
14. **Area, Building:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.
15. **Area, Net Site:** The total area within the property lines excluding external streets.
16. **Area of Special Flood Hazard:** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
17. **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred year flood.
18. **Basement:** A story completely or partly underground but having at least one-half ( $\frac{1}{2}$ ) of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

19. **Bed and Breakfast Operation:** An owner-occupied dwelling unit that contains no more than three (3) guest rooms where lodging, with or without meals, is provided for compensation.
20. **Board:** The Board of Zoning Appeals of the Municipality of LaGrange, Ohio.
21. **Bottomless:** Less than full opaque covering of male or female genitals, pubic area, or buttocks.
22. **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 or more unrelated persons, where no cooking or dining facilities are provided in individual rooms.
23. **Buffer Area (see also Screening):** A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
24. **Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, possessions, or property.
25. **Building, Detached:** A building surrounded by open space on the same lot.
26. **Building, Front Line of:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps which shall not project more than five feet (5 ft.) into the required front yard setback.
27. **Building, Height:** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the height between eaves and ridge for gable, hip and gambrel roofs.
28. **Building Line:** See *Setback Line*.
29. **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
30. **Building, Temporary:** A building which is designed to be used for a short term period of time. Such buildings shall include but are not limited to construction trailers and real estate offices containing no living accommodations.

31. **Camp:** Any one or more of the following, other than a hospital, place of detention or school offering general instruction:

102.02

7

- a) **Type 1:** Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or
- b) **Type 2.** Any land, including any building thereon, used for any assembly of persons for what is commonly known as “day camp” purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.
32. **Camping Ground:** A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, tents or movable temporary dwellings, rooms or sleeping quarters of any kind.
33. **Cellar:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.
34. **Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in conjunction with and within the boundaries of such cemetery.
35. **Child Care Center:** An establishment that administers to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day if over twelve (12) children are regularly cared for in a place of residence other than the child's own home. The term “child care center” also includes nursery schools where children under the age of five (5) are receiving schooling.
36. **Child Care, Home Operated:** A private residence where care, supervision, and protection are provided on a regular basis to one (1) to six (6) infants, toddlers, pre-school children, and school children outside of school hours by a person who is not the parent but is a resident of the home. For the purposes of this definition, the resident children who are under sixteen (16) shall be included with the non-resident children when counting the

number of children. A dwelling with a family with more than six (6) children who are all living in the dwelling unit and are related shall not be considered a home operated child care.

37. **Church or place of religious worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
38. **Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and out-patient surgical attention, but does not include overnight care facilities.
39. **Club:** A building or portion thereof or premises which is not open to the general public; used for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of its members and their guests.
40. **Code:** The codified Zoning Ordinance of the Municipality of LaGrange, Ohio.
41. **Conditional Use:** A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or to property or property values, and on which the public has reserved the right to permit the use, subject to certain general and specific conditions stated in the resolution which are deemed necessary to protect the permitted uses of other affected properties.
42. **Conditional Use Permit:** A permit issued by the Responsible Authority upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
43. **Concept Plan:** Written and/or graphic documents submitted for informal review and comment. The concept plan should indicate in a conceptual form the proposed land uses and their overall impact on the subject tract and surrounding tracts of land. There are no applied standards to the concept plan however, the applicant is encouraged to provide enough detail to provide an accurately represented concept.
44. **Condominium:** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.



45. **Corner Lot:** See *Lot Types*.
46. **Council:** The legislative authority of the municipality.
47. **Court:** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

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**102.02****9**

48. **Court, Inner:** A court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.
49. **Court, Outer:** A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
50. **Curb Level:** The officially established grade of the curb in front of the mid-point of the lot.
51. **Density:** A unit of measurement; the number of dwelling units per acre of land.
- a) **Gross Density:** The number of dwelling units per acre of the total land to be developed (including public right-of-way).
- b) **Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses (excluding public right-of-way).
52. **Developer:** An individual or business that prepares raw land for the construction or buildings or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
53. **Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.
54. **Dish:** That part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.
55. **Dish-type Satellite Signal-Receiving Antennas:** Include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite

system, or multi-point distribution service system, shall mean one (1) or a combination of two (2) or more of the following:

- a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- b) A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.

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- 56. **Drive-up or Drive-Through:** An establishment that, by design of physical facilities or by services or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or be entertained while remaining in an automobile.
  - 57. **Dump:** A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste.
  - 58. **Dwelling:** A building designed or used as the living quarters for one or more families. "Dwelling, single-family dwelling, two-family dwelling," or "multiple-family dwelling shall not be deemed to include motel, hotel, or rooming house. A dwelling may include an industrialized unit (as defined herein) and a manufactured home (as defined herein) provided it meets all of the following requirements:
    - a) The manufactured home is affixed to a permanent foundation and connected to appropriate utilities.
    - b) The manufactured home, excluding any addition, has a width of at least twenty-two feet (22 ft.) at one point, a length of at least twenty-two feet (22 ft.) at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least nine hundred square feet (900 sq. ft.) or equal to or greater than any minimum dwelling size applicable within an applicable zoning district.
    - c) The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch (6 in.) minimum eave overhang, including appropriate guttering.
    - d) The manufactured home was manufactured after January 1, 1995.

e) The manufactured home is not located in a manufactured home park as defined herein.

59. **DWELLING, GROUP:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for between nine and sixteen mentally retarded or developmentally disabled persons, occupying a lot in one ownership and having any yard in common.
60. **Dwelling, Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use.

**102.02**

**11**

Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.

61. **Dwelling, Multiple-Family:** A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls.
62. **Dwelling, Rooming House (Boarding House, Lodging House, Dormitory, Fraternity and sorority Houses):** A dwelling 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 the individual rooms.
63. **Dwelling, Single-Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
64. **Dwelling, Two-Family:** A dwelling consisting of two (2) dwelling units which may be either attached side-by-side or one (1) above the other, and each unit having a separate entrance.
65. **Dwelling Unit:** Space within a dwelling, comprised of 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, and having its own means of entrance which can be distinguished from other dwellings.
66. **Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the subject property.
67. **Employee:** A person who performs any service on the premises of a sexually oriented business 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 off said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

68. **Erosion Control:** See storm water permit.
69. **Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person with the intent to display or provide, or actually display or provide, specified anatomical areas or specified sexual activities.

**12**

**102.02**

70. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
71. **Establishment of Sexually Oriented Business:** Includes any of the following:
- a) the opening or commencement of any sexually oriented business as a new business;
  - b) the conversion of an existing business, whether or not a sexually oriented business;
  - c) the addition of any sexually oriented business to any other existing sexually oriented business; or
  - d) the relocation of any sexually oriented business.
72. **Family:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, with no more than six (6) persons, unless all persons are related by blood, marriage, or adoption to one another.
73. **Family Home:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities.
74. **Farm:** Any parcel of land containing at least five (5) acres, which is used for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures and the storage of equipment used subject, however, to applicable

regulations. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

- 75. **Federal Emergency Management Agency (FEMA):** The Agency with the overall responsibility for administering the National Flood Insurance Program.
- 76. **Filling Station:** See Gasoline Station.
- 77. **Flood Hazard Boundary Map:** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

**102.02**

- 78. **Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a) The overflow or inland or tidal waters, and/or
  - b) The unusual and rapid accumulation or runoff of surface waters from any source.
- 79. **Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- 80. **Flood Insurance Study:** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- 81. **Flood Stage:** The highest point at which flood waters have risen in the specific area in question. If the Responsible Authority is unable to determine, it shall be the duty of the Municipal Council to so determine.
- 82. **Floodway:** The channel of a river or other 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 than one foot.
- 83. **Floor Area:** The sum of the total horizontal areas of the several floors of all buildings on a lot measured from the exterior walls. In particular, the “floor area” of a building or buildings shall include:
  - a) Basement space;
  - b) Elevator shafts and stairwells at each floor;

- c) Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more;
- d) Penthouses;
- e) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more;
- f) Interior balconies and mezzanines;
- g) Enclosed porches;
- h) Accessory uses, not including space for accessory off-street parking;
- i) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off—street loading berths;
- j) Elevator and stair bulkheads, accessory water tanks and cooling towers;

14

102.02

- k) Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches;
- l) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet, six inches;
- m) Uncovered steps;
- n) Terraces, breeze ways and open spaces;
- o) Accessory off-street parking spaces;
- p) Accessory off-street loading berths.

84. **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 and wherein:

- a) Not more than one space is rented for parking to persons not resident on the premises;
- b) No more than one commercial vehicle per dwelling unit is parked or stored; and
- c) The commercial vehicle permitted does not exceed two tons capacity.

85. **Garage, Public:** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

86. **Garage, Repair:** Any establishment which is used for the repair, painting, servicing, adjusting, or equipping of automobiles, boats, or any other vehicle with an engine or motor of any kind.

87. **Garage, Storage:** A principal or accessory building other than a private garage, used for parking or temporary storage or passenger automobiles and in which no service shall be provided for remuneration.
88. **Gasoline Station:** Any area of land, including structures thereon, that is used primarily for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.
89. **Grade, Finished:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans of designs relating thereto.

**102.02**

**15**

90. **Gross Floor Area:** The sum of the areas of the several floors of a building , including areas used for human occupancy in basements, attics, and penthouses as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.
91. **Historic Structure:** Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
    - a. By an approved state program as determined by the Secretary of the Interior or

- b. Directly by the Secretary of the Interior in states without approved programs.

92. **Home Occupation:** An occupation, profession, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the dwelling where the home occupation is located. No outside employees shall be permitted with the exception of one as a conditional use.

93. **Hospital:** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons; licensed by state law to provide facilities and overnight accommodations for such patients.

**16** **102.02**

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94. **Hospital, Animal:** An establishment for the medical and/or surgical care of sick or injured animals.

95. **Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities for their guests.

96. **Identification Sign:** A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located.

97. **Improvements:** Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

98. **Industrialized Unit:** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use. Industrialized unit includes units installed on the site as independent units, as part of a group or units, or incorporated with standard construction methods to form a completed structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.

99. **Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

100. **Junk:** Any worn-out, castoff, or discarded article or material, which is or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.



101. **Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed. See also **ORC 4737.05(B)**.
102. **Juvenile:** An unmarried person under the age of eighteen.
103.  **kennel:** A structure used for the harboring, grooming, breeding, boarding, training or selling of more than three domestic animals that are more than six months old.

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**102.02****17**

104. **Land Use Plan:** The long-range plan for the desirable use of land in the area as adopted by the Municipal Planning Commission and Council; the purpose of such plan being, among other purposes, to serve as a guide in future development and zoning for the community.
105. **Launderette:** A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment motel.
106. **Living Area:** The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breeze ways, outside steps, garages and/or carports.
107. **Loading Space:** A loading space shall have minimum dimensions of not less than twelve feet (12') in width and fifty feet (50') in length, exclusive of driveways, drive aisles, and other circulation areas, and a height clearance of not less than fifteen feet (15').
108. **Location Map:** See "Vicinity Map"
109. **Lot:** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Zoning Ordinance and having not less than the minimum required frontage upon an improved public street, either shown and identified by lot number of a plat of record, or considered as a unit of property and described by metes and bounds 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.
110. **Coverage:** The ratio of enclosed gross ground floor area of all principal buildings,

accessory buildings and structures on a lot to the gross lot area, expressed as a percentage. For purposes of this definition enclosed areas include any space covered by a roof structure.

111. **Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under *Yards* in this section.

112. **Lot Lines:** Any line dividing one lot from another.

113. **Lot Measurements:** Lot measurements are defined as follows:

- a) **Depth:** A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified length shall be measured from the right-of-way of the street. Lot length and lot depth have the same meaning.
- b) **Width:** The distance between the lines connecting front and rear lot lines at each side of the lot, measured at the building setback line. Lot width of irregularly shaped lots measured at the street line (right-of-way) shall not be less than seventy percent (70%) of the lot width required at the front yard setback line.

114. **Lot of Record:** A lot which 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.

115. **Lot Types:** Terminology used in this Ordinance with reference to corner, interior, and through lots are as follows:

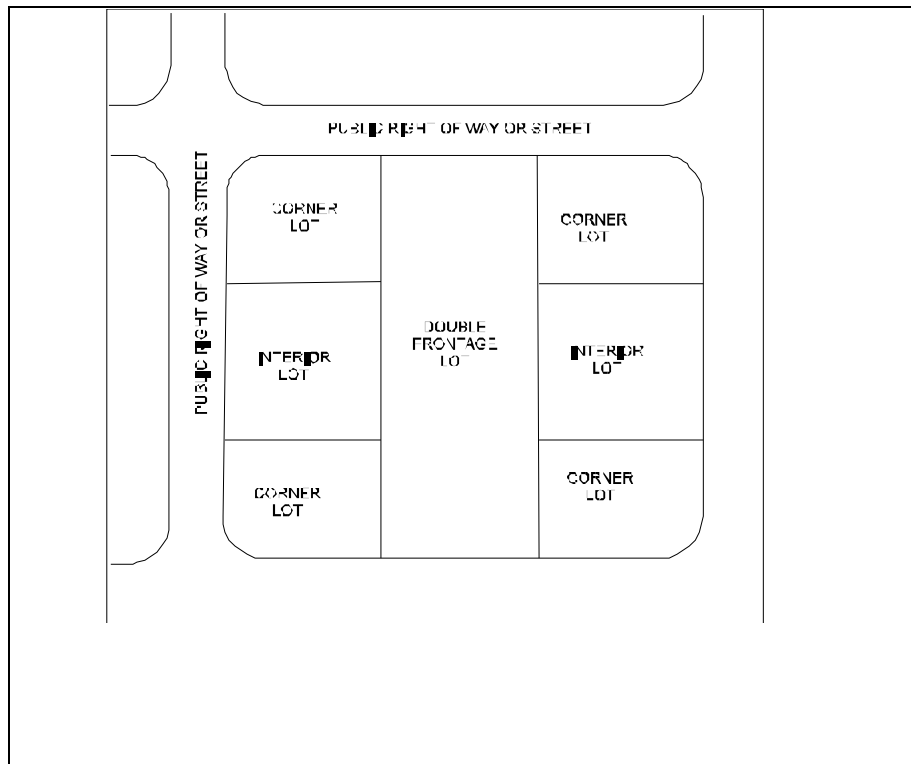
116. **Corner Lot:** A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet an interior angle of less than one hundred thirty-five degrees (135E). A corner lot shall be considered to have two (2) front yards with the location of the rear yard to be determined by Planning Commission, generally opposite the minor street.

- a) **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
- b) **Through Lot:** A lot having frontage on two parallel or approximately parallel streets.
- c) **Reversed Frontage:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

(See diagram on next page)

c) Continued.

**Reversed Frontage Diagram**



- 117. **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with applicable design requirements specified in this ordinance for enclosures below the lowest floor.
- 118. **Major Thoroughfare Plan:** The comprehensive plan recommended by the Planning Commission and adopted by Council indicating the general location

recommended for arterial, collector and local thoroughfares within the corporate limits. Also referred to as, or is a part of, a Land Use Plan.

119. **Manufactured Home:** A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a

label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. For the purposes of administering Section 106, a manufactured home is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”. For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined above.

120. **Manufactured Home Park:** Any tract of land upon which two (2) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.
121. **Manufactured Home Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule
122. **Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit as defined by SB 142.
123. **Motel, Hotel And Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

124. **Motor Vehicle Repair Shop:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

125. **New Construction:** Structures for which the “start of construction” commenced on or after the initial effective date of the Village of LaGrange’s Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

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

127. **Nude or Nudity:** The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion below the top of the nipple; or of covered male genitals in a discernibly turgid state.

128. **Nude Model Studio:** Any place where a person who displays “specified anatomical areas” and 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 shall not include a proprietary school licensed by the State or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- a) that has no sign visible from the exterior of the structure and no other advertising that specified anatomical areas is available for viewing; and
- b) where in order to participate in a class a student must enroll at least three days in advance of the class; and
- c) where no more than one nude model is on the premises at any one time.

129. **Nursing Home:** A home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.(§ 3721.01 ORC)

130. **Obscenity or Obscene:** Any material or performance that, when considered as a whole and judged with reference to ordinary adults, contains a series of displays or descriptions of anatomical areas or sexual activities, the cumulative effect of which has a dominant tendency to appeal to the prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspire disgust or revulsion in persons with ordinary sensibilities,

or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented materials shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- a) Human male genital or female breast areola in a discernibly turgid state of stimulation or arousal or open female labia;
  - b) Fondling, rubbing, penetration or other erotic touching or display of human genitals, pubic region, buttock, anus or female breasts;
  - c) Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomachistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
  - d) Excretory functions, actual or simulated, including urination, defecation, male ejaculation, or the aftermath of male ejaculation.
131. **Open Space:** An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, drives, sidewalks, parking spaces, pavement stones, and structures shall not be included.
132. **Parking Space:** An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to a public street or alley and maneuvering room.
133. **Pedestrian Walkway:** A right-of-way, generally ten (10) feet in width with a four (4) foot wide to five (5) foot wide sidewalk, which cuts across a block to facilitate pedestrian access to adjacent streets and properties. Pedestrian walkway right-of-way and sidewalk maintenance shall be the responsibility of a homeowner's association, or adjacent property owner(s) if no homeowner's association exists.
134. **Person:** An individual, proprietorship, partnership, corporation, association, or other legal entity.

135. **Planned Unit Development:** An area of land in which a variety of housing types and/or related 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.

136. **Planning Commission:** The Commission which controls the platting of land within the corporate limits of the Municipality of LaGrange.

137. **Preliminary Plan:** The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed.

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

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

140. **Quasi-public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an education, religious, charitable, philanthropic, or non-profit nature.

141. **Recreational Vehicle:** A vehicle which is (1) built on a single chassis (2) 400 square feet or less when measured at the largest horizontal projection (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

142. **Responsible Authority:** The individual or governing body responsible for reviewing and/or approving or disapproving a request.

143. **Residential Hotel:** A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

144. **Responsible Authority:** The individual or governing body responsible for reviewing and/or approving or disapproving a request.

145. **Reviewing Agencies:** Any person, firm, municipal official or department, or governmental agency required to review existing or proposed development, uses, or variances as

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directed by the Planning Commission, Zoning Board of Appeals, Council, or Responsible Authority, or as required by the Ohio Revised Code.

146. **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, such as grade separation, landscaped areas, viaducts and bridges.
147. **Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
148. **Service Station:** See GASOLINE STATION.
149. **Setback:** Shall mean the minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line, or in the case of an arc street, measured along the radius of such arc.



150. **Setback Line:** A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory building, or structure may be located above ground, except as may be provided in said codes (See Yard, Front; Yard, Rear; Yard, Side).

**151. Sexual Encounter Center:**

- a) A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - i. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - ii. activities between male and female persons and/or persons of the same sex when one or more of the persons is exhibiting specified anatomical areas or the display or provision of specified sexual activities.
- b) An “escort service” as defined above.

152. **Sexually Oriented Booth:** Any booth, cubicle, stall, compartment or hidden space less than or equal to 150 square feet in an area where one or more patrons may be out of full and open general public view, a place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disk players, or other image-producing devices are maintained to show images

**102.02**

**25**

to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

153. **Sexually Oriented Business:** A sex store, sexually oriented media store, sexually oriented novelty store, adult motel, sexually oriented novelty store, sexually oriented cabaret, or nude model studio. Sexually oriented business does not include a sexually oriented booth, an “escort agency” or a “sexual encounter center” as defined herein.

154. **Sexually Oriented Cabaret:** A theater, concert hall, auditorium, a nightclub, bar, restaurant, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

155. **Sexually Oriented Media Store:** A commercial establishment which, as one of its principal purposes, offers for sale, rent, consumption, use, reading, or viewing outside the establishment, for any form of consideration any one or more of the following:

Books, magazines, periodicals or other

156. **Sexually Oriented Sex Store:** A commercial establishment which, as one of its principal purposes offers for sale, rent, consumption, use, or viewing outside the establishment, for any form of consideration instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”
157. **Sexually Oriented Novelty Store** A commercial establishment which, as one of its principal purposes offers for sale, rent, consumption, use, reading, or viewing outside the establishment, for any form of consideration, novelties, lingerie, or sadomasochistic instrument. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as a sexually oriented sex store, sexually oriented media store, or a sexually oriented novelty store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented sex store, sexually oriented media store, or a sexually oriented novelty store so long as one of its principal business purposes is the 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.”
158. **Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See Pedestrian Walkway)
159. **Sign:** Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to any

**26**

**102.02**

object, subject, place, person, activity, product, service, institution, organization or business.

160. **Specified Anatomical Areas:** The showing of less than completely and opaquely covered human genitals, pubic region, vulva, anus, anal cleft, the portion of the female breast below the highest part of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other opaque wearing apparel provided the areola is not exposed in whole or part.
161. **Specified Criminal Sexual Activity:** Any of the following offenses:
- a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual

assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries.

162. **Specified Sexual activities:** The non-obscene display or depiction of any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:
- a) the casual touching of human genitals, pubic region, buttocks or female breasts; and
  - b) simulated human masturbation, cunnilingus, fellatio, sexual intercourse, or sodomy where the genital cannot be seen.
163. **Start of Construction:** The date of the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stages of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as cleaning, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of a building.

164. **Storm Water Permit:** E.P.A. NPDES permit required for construction sites greater than five (5) acres addressing erosion control procedures, and specifically including Notice of Intent Application and Storm Water Pollution Prevention Plan.
165. **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

166. **Story, half:** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.
167. **Story, height of:** The vertical distance from the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.
168. **Street or thoroughfare:** All property dedicated or intended for public and private road, street, alley, highway, and freeway or roadway purposes or to public easements thereof.
169. **Street, Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
170. **Street, Arterial:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
171. **Street, Center Line:** A line defined the state department of transportation or the municipality that is parallel to the two (2) street rights-of-way or property lines.
172. **Street, Collector:** 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.
173. **Street, Cul-de-Sac (Terminating):** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

174. **Street, Cul-de-Sac (Intermediate):** Typically a local through street with a vehicular turnaround placed between street intersections or at the end of a temporary dead-end street intended to be extended in the future.
175. **Street, Dead-End:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
176. **Street line:** Is defined as the right-of-way line of any road, street, or highway as proposed on the Major Thoroughfare Plan of the Municipality of LaGrange and Lorain County, Ohio, as amended. All setback distances on the Zoning Map shall be measured from the street line.
177. **Street, Local:** A street primarily for providing access to residential, commercial, or other abutting property.

178. **Street, Loop:** 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 degree (180E) system of turns are not more than one thousand feet (1000 ft.) from said arterial or collector street, normally more than six hundred feet (600 ft.) from each other.
179. **Street, Marginal Access:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).
180. **Strip Zoning:** Typically a ribbon of highway commercial uses fronting both sides of a major arterial route.
181. **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, regardless if it is temporary or permanent. "Structure" shall not include live plant materials. For the purpose of administering Section 106, a structure is a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
182. **Subdivision:** The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll prior to the adoption of these regulations, into two (2) or more parcels, sites or lots any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted;  
or

The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision)

183. **Substantial Damage:** Damage to any origin sustained by a structure whereby the cost if restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

184. **Substantial Enlargement of a Sexually Oriented Business:** The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.
185. **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start” of construction of the improvement. This term includes structures which have occurred “substantial damage”, regardless of the actual repair work performed. The term does not, however include:
- a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
  - b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”
  - c) Any improvement to a structure which is considered new construction.
186. **Theater, outdoor:** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.
187. **Tourist cabins:** A group of buildings, including either separate cabins or a row of cabins which contain living and sleeping accommodations for transient occupancy, and which have individual entrances.

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188. **Tourist home:** A dwelling in which overnight accommodations are provided or offered for compensation.
189. **Trailer, travel:** A vehicle used for living or sleeping purposes, and standing on wheels or on rigid supports.
190. **Use:** The specific purpose for which land or a building designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.
191. **Use, accessory:** A use incidental to the principle use of a building. In buildings restricted to residential use, the office of a professional man, customary home occupations and workshops shall be deemed accessory uses.

192. **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.
193. **Vicinity Map:** A drawing located on the plat, which sets forth by dimensions or other means, the relationship of the proposed subdivision, development, or use to other nearby developments or landmarks and community facilities and services within Lorain County in order to better locate and orient the area in question.
194. **Violation:** The failure of a structure or other development to be fully compliant with these regulations.
195. **Way:** A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
196. **Wetlands:** Areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, under normal circumstances, a prevalence of vegetation adapted for life in saturated soil conditions. These areas may be as defined by the Corps of Engineers, Soil Conservation Service, Ohio Department of Natural Resources, or the Ohio Environmental Protection Agency, and are specifically delineated by a wetlands specialist.
197. **Wireless Telecommunications Equipment Shelter:** A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.
198. **Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving or relaying telecommunications or radio signals from a

**102.02**

**31**

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radio communication source and transmitting those signals to a central switching computer which connects the unit with land-based telephone lines.

199. **Wireless Telecommunications Tower:** A structure intended to support equipment used to transmit, relay and/or receive telecommunications signals including but not limited to monopoles, guyed, and lattice construction steel structures.
200. **Yard:** An unoccupied space open to the sky, on the same lot with a building or structure.
201. **Yard, front:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the right-of-way line and the

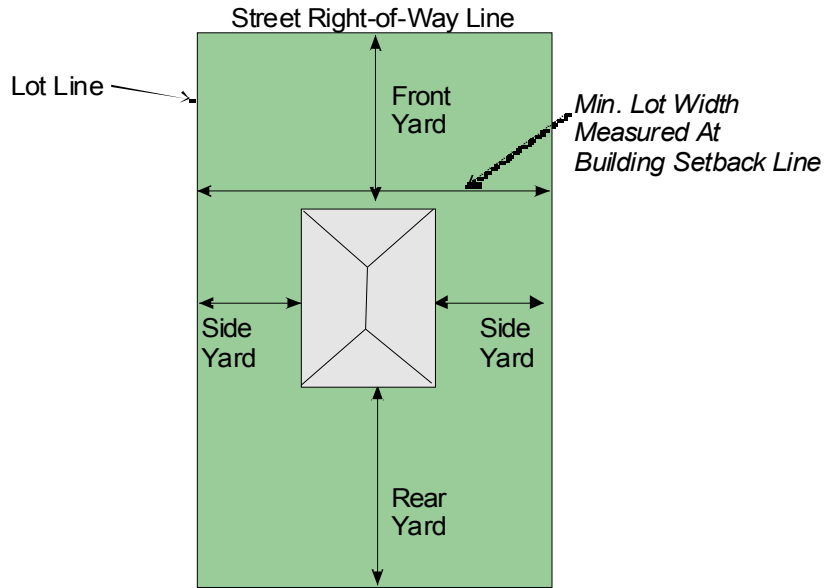
front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

202. **Yard, rear:** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be an alley, and the rear line of the building.
203. **Yard, side:** An open unoccupied space on the same lot with a main or accessory building situated between that building and the side line of the lot and extending from the front yard to the rear yard.
204. **Zero Lot Line:** The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line (see **Illustration B**).
205. **Zoning Ordinance:** The officially adopted Zoning regulations as contained in the Codified Ordinance of the Municipality of LaGrange, Ohio.
206. **Zoning Certificate:** The document issued by the Responsible Authority authorizing the use of the land or buildings.

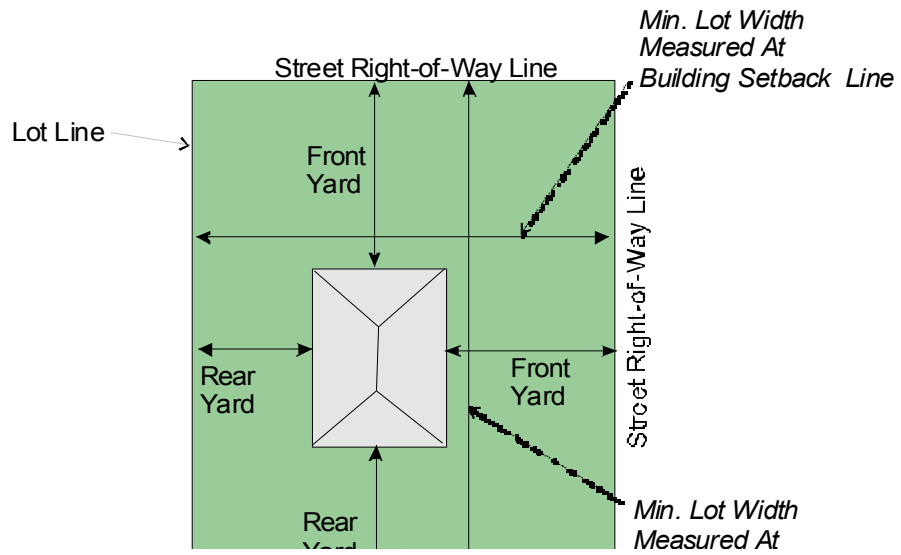


# Illustration A: Yard Illustrations and Building Setbacks

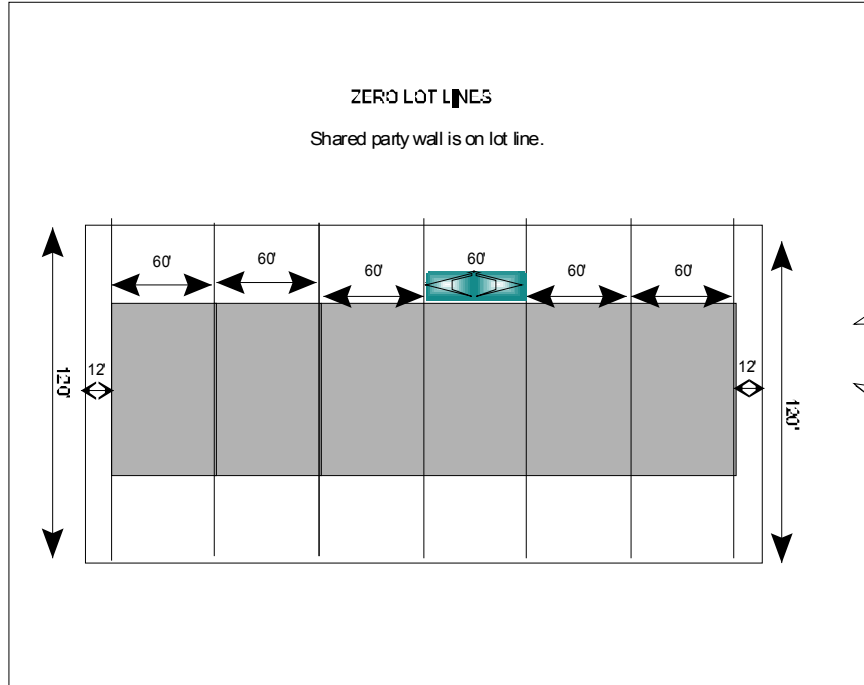
## Interior Lot



## Corner Lot



**Illustration B:  
Zero Lot Lines**



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**Section 103  
General Regulations**

103.01	Purpose
103.02	Conformance Required
103.03	General Lot Area Requirements
103.04	Conformance Required
103.05	Rear Houses
103.06	Building Regulations
103.07	Private Swimming Pools
103.08	Animal Regulations
103.09	Residential Driveway Requirements
103.10	Accessory Buildings

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**103.01 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 district regulation shall prevail.

**103.02 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 Board of Zoning Appeals may issue conditional zoning certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

**103.3 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.

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 Ordinance.

**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 Ordinance, 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 regulations for the district in which located.

**Corner Lots:**

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yards in the district in which the structures are located.

**103.04 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 Ordinance.

**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 shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

**Yard Exceptions:**

Fences, Hedges and Walls

One Story Garages as Accessory Buildings

In residential districts one story detached garages or other accessory buildings may be located five (5) feet from side and rear property lines and twenty (20) feet parallel to the back of the principal building. The accessory building may occupy the equivalent of two-thirds ( $2/3$ ) of the living space of the principal dwelling but shall not exceed 850 square feet. The accessory building may not exceed eighteen feet (18 feet) at its highest point from grade level.

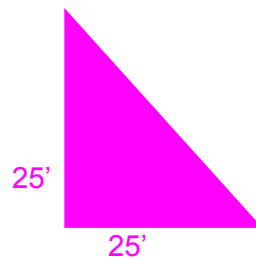
**Use of Front Yard:**

Front yards in all districts shall be landscaped and no parking shall be permitted on landscape area.

**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 on the

projected point of intersection of the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersect of the street right-of-way lines of the projected point.

**103.05 REAR HOUSES**

Rear houses shall not be permitted in single family residential districts. No apartment house shall be erected or altered or used unless the same shall have access to a public street, and if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at thirty (30) feet in width and such reserved strip may not form a part of any lot yard or lot area required by the Zoning Ordinance, and, if more than one dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be not less than sixty (60) feet in width and each additional said rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling was located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder of this County for record.

**103.06 BUILDING REGULATIONS**

No building 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 Ordinance.
3. To occupy a greater percentage of lot area than permitted.

4. To have narrower or smaller rear yards, side yards, front yards or lot width at the building line than those permitted in this Ordinance.

**Principal Building:**

1. No more than one principal building shall be permitted on any lot.
2. All principal dwellings must have a minimum 4:12 roof pitch except in the cases of porches or patios.

**Buildings Under Construction Prior to Enactment of This Ordinance:**

Nothing in this Ordinance 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 Ordinance and provided construction is prosecuted diligently and provided further that such building shall be completed within one (1) year from the date of passage of this Ordinance.

**Building Permits or Zoning Certificates:**

No building permit or zoning certificate shall be issued without evidence that the proposed sanitary sewage disposal and water facilities for the use for which the zoning certificate has been requested is approved.

**Minimum Living Floor Area Per Single Family Dwelling Units:**

One-story buildings - the minimum for a single family dwelling without a basement shall be 1,200 square feet of living area. The minimum with a basement shall be 1,200 square feet of first floor living area.

One and one-half story buildings. The minimum for a single family dwelling shall be 1,000 feet of first floor living area, and a total of not less than 1,400 feet of living area on both floors. The floor area over which the finished ceiling is less than six and one-half (6½) feet from the finished floor shall not be counted in the total living space area.

Two-story buildings - the minimum for a single family dwelling shall be 720 square feet of first floor living area, and a total of not less than 1,400 square feet of living space area on both floors.

Multi-level buildings - the minimum for a single family dwelling shall be 1,296 square feet of living space area, with a minimum lot coverage of 864 square feet.



**Frontage Required for Building:**

No principal building shall be erected on a lot that does not abut on a street of record dedicated to public use.

**Temporary Buildings:**

Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures or uses. The period during which such temporary buildings are to be permitted shall be no greater than the period of construction plus thirty (30) days after the completion of such construction and the permit for such period shall be issued by the Responsible Authority.

**103.07 PRIVATE SWIMMING POOLS****Definition:**

A private swimming pool, as regulated herein, shall be any pool or open tank (including a hot tub), not located within a completely enclosed building, and containing, or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool shall be allowed in any "Residential" 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.

**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.

**Distance Requirements:**

The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line of the property on which located; provided further, that pump and filter installations shall be located not closer than twenty (20) feet to any property line.

**Fencing:**

The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. The minimum height shall be four (4 ft.) feet. Fences are not required for above ground pools with walls that are four (4 ft.) feet or higher above the grade and have a lockable gate ladder or retractable or removable ladder.

**Covers:**

Any tank such as a hot tub shall have a lockable cover.

**Drainage:**

Adequate provision for drainage shall be made subject to approval by the Responsible Authority.

**Lighting:**

Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

**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 Responsible Authority and any other applicable agency.

**103.08 Animal Regulations**

Raising or stabling large agricultural animals within the Municipality of LaGrange is prohibited. Examples of such animals include but are not limited to horses, cows, and pigs. Only animals typically classified as domesticated household pets are permitted as household pets within the Municipality.

**103.09 Residential Driveway Regulations**

Driveways or parking pads shall be located a minimum of three (3) feet from the side and rear property lines.

**103.10 Regulation of Accessory Uses and Buildings**

It is the purpose of Section 103.10 inclusive of this ordinance, to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with the existing environment.

- A. General Requirements. Except as otherwise provided in this ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that

1. It shall be forty-five percent (45%) or less of the gross floor area of the principal use or structure.
  2. It shall not contain or be used as a dwelling unit.
  3. It shall meet all yard requirements of the principal use, except as modified by the District Regulations, if applicable.
  4. It shall not exceed thirty-five feet (35 ft.) in height.
  5. Attached garages shall be considered part of the main structure and must comply with the setback and area requirements of the zoning district. Detached garages and all other accessory structures must be located in the side or rear yard no closer than five (5') from the property line.
  6. Buildings or structures or uses that are accessory to the uses permitted in one district shall not be permitted in a district of a more restrictive classification.
- B. Dwellings as Accessory Uses. Mobile homes or manufactured housing units shall not be permitted as accessory uses in any district.
- C. Retail Sales and Service as an Accessory Use. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics, these accessory uses may include drug stores, florists, gift and book shops; and in cafeteria institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.
- D. Accessory Buildings Used for Storage. Accessory buildings used for storage shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or district in which located and shall be maintained in good condition.

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**SECTION 104  
Landscaping**

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- SECTION 104.01 Landscaping Requirements.  
 SECTION 104.02 Special Exceptions Landscaping.  
 SECTION 104.03 Screening of Service Courts,  
 Storage Areas, and Loading Docks.  
 SECTION 104.04 Screening of Trash Container Mechanical Equipment  
 Receptacles.  
 SECTION 104.05 Interior Parking Area  
 SECTION 104.06 Plant Material Specifications.  
 SECTION 104.07 Screening of Exterior  
 SECTION 104.08 Maintenance and Replacement Requirements
- 

**104.01 LANDSCAPING REQUIREMENTS.**

Consistent with the objectives established in this chapter, landscaping shall be provided according to the following standards for the following districts, with the new construction, enlargement, addition, or alteration of any principal building:

R-4 Multiple-Family Residential District  
 GB-1 General Business District  
 CB-1 Central Business District  
 LI-1 Light Industrial District  
 GI-1 General Industrial District  
 ID-1 Institutional Development District  
 PUD Planned Unit Development  
 TD Transitional District

**104.02 SPECIAL EXCEPTIONS.**

The Municipality of LaGrange shall recognize that, in some cases, the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternate landscaping plan may be approved by the Planning Commission as part of the site plan review process.

**104.03 SCREENING OF SERVICE COURTS, STORAGE AREAS, AND LOADING DOCKS.**

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

- A. The width of the screening area shall be a minimum of five feet (5 ft.). Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven feet (7 ft.) in height.
- B. Vegetation used for screening shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting.

**104.04 SCREENING OF TRASH CONTAINER RECEPTACLES.**

Trash containers shall be screened according to the following minimum standards:

- A. Trash containers designed to service more than one (1) residential unit or to service a non-residential structure shall be screened on four (4) sides by walls, fences, gates, or natural vegetation or an acceptable combination of these elements.
- B. The height of such screening shall be at least six feet (6 ft.). The maximum height of walls and fences shall not exceed ten feet (10 ft.). Vegetation shall have a minimum opaqueness of seventy-five percent (75%) at all times within two (2) years of planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety and size that will attain six feet (6 ft.) in height within two (2) years of planting.

**104.05 INTERIOR PARKING AREA LANDSCAPING.**

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than six thousand square feet (6,000 sq. ft.) of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

An area equal to five percent (5%) of the total area devoted to parking space and parking lanes shall be landscaped and permeable.

Whenever possible, large parking areas of thirty thousand square feet (30,000 sq. ft.) or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention/detention areas that contain water throughout the year.

Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty square feet (180 sq. ft.) with a two-foot (2 ft.) minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten feet (10 ft.). Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.

The required plant materials for the interior of parking areas shall be one (1) deciduous tree for every three thousand square feet (3,000 sq. ft.). Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet (5 ft.) above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet (2 ft.) in height.

Areas located between any parking area and public right-of-way shall be landscaped with elements such as mounding, trees, ground cover, and shrubs.

#### **104.06 PLANT MATERIAL SPECIFICATIONS.**

The following Sections include specifications for plant materials. Alternatives to these materials that can be shown to meet both the intent and requirements of this Ordinance may be approved as part of a site plan:

Shrubs: Shrubs shall be at least twenty-four inches (24 in.) average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round, solid visual screen within five (5) years after planting.

Ground Cover and Grass: Ground cover shall be planted a minimum of eight inches (8 in.) on center and shall be planted in such a manner to present a finished appearance and seventy-five percent (75%) coverage after one (1) complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.

Prohibited Tree Species: Within any required landscaping, the following tree species may not be used:

Box Elder	Tree of Heaven	Catalpa	Mountain Ash	Mulberry	Black Walnut
Popular	Willow	Hickory	Black Locust		

In addition to the species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural drilling of an average adult tree of the species planted will be any closer than three feet (3 ft.) of a pedestrian walkway or parking lot.

**104.07 SCREENING OF EXTERIOR MECHANICAL EQUIPMENT.**

Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including, but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, ductwork, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level. Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings; shall be constructed of complementary and durable materials; and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems, and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum; shall be installed in a neat and compact fashion; and shall be painted such a color as to allow their blending with their visual backgrounds.

**104.08 MAINTENANCE AND REPLACEMENT REQUIREMENTS.**

The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.

All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth; and free from refuse and debris.

Replacement plants shall conform to the standards that govern original installation. Dead or unhealthy plants shall be replaced within the next planting season.

Representatives of the Municipality of LaGrange shall have the authority to inspect landscaping and check it against the approved plan on file.



**SECTION 105**  
**Communication Towers and Antennas**

105.01	Purpose.
105.02	Communication Towers for Private Reception of TV and Radio Signals
105.03	Communication Towers and Antennas Permitted in All Zoning Districts.
105.04	Communication Towers and Antennas Permitted in Industrial Zoning Districts.
105.05	Communication Towers and Antennas Conditionally Permitted in Zoning Districts.

**105.01 PURPOSE**

Regulations governing communication towers, antennas and base units are established to provide for appropriate locations for communication towers, antennas and base units, to ensure compatibility with surrounding uses, to promote the co-location of communication antennas, and to preserve the municipality's ability to provide a public safety communication system.

**105.2 COMMUNICATION TOWERS AND SATELLITE DISHES FOR PRIVATE RECEPTION OF TV AND RADIO SIGNALS**

Notwithstanding any other provisions to the contrary, communication towers and antennas designed for private reception of television and radio signals, used for amateur or recreational purposes, shall be permitted in all districts, provided such freestanding antennas and towers do not exceed thirty-five (35) feet in height. Rooftop mounted antennas shall not exceed fifteen (15) feet in height and are not restricted to a height total of thirty-five feet (35 feet) from the grade level. Such antennas shall not be located in any required front, side or rear yard setback, nor shall they be located between a principal building and a required front or side yard. Only one freestanding tower and antenna and only 2 18" mini-satellite dishes shall be allowed per residential lot.

**105.03 COMMUNICATION TOWERS AND ANTENNAS PERMITTED IN ALL ZONING DISTRICTS**

Notwithstanding the height limitations in a given zoning district, the following uses shall be permitted in all zoning districts, subject to the standards and limitations defined below:

- A. Rooftop communication towers and antennas not exceeding fifteen (15) feet in height.

- B. Facade mounted communication antennas. A facade-mounted antenna in all zoning districts shall be mounted flush against the structure on which it is mounted and shall not extend beyond the facade of such structure.
- C. Extension of the height of existing communication towers of not more than fifteen (15) feet, provided the total height of the communication tower and all antennas shall not exceed the total allowable height, as provided in Section 106.02.
- D. The antenna and its supporting structure shall be compatible with the structure upon which the proposed antenna is to be mounted and with surrounding uses. Facade mounted communication antennas shall be painted with a color that blends with the structure or shall be otherwise camouflaged. Rooftop mounted communication antennas and towers shall be placed on the roof in a manner to be least visible from the public right-of-way.
- E. In addition to the general application requirements, the applicant shall submit scaled schematic drawings and photographic perspectives showing the structure and the placement of the tower and antenna on the structure and a written certification from a professional engineer (P.E.) that the structure has the structural integrity to carry the weight of the tower and antenna per applicable state and local building codes.

#### **105.04 COMMUNICATION TOWERS AND ANTENNAS PERMITTED IN INDUSTRIAL ZONING DISTRICTS**

Communication towers, antennas and base units are allowed as a permitted use in all industrial zoning districts, provided they meet the following requirements:

- A. Freestanding communication towers and antennas, including antennas mounted on light poles and similar structures that are not facade-mounted, provided that towers and antennas do not exceed one hundred (100) feet.
- B. The tower site and setback shall be of adequate size to contain guyed wires, debris and the tower in the event of a collapse. Communication towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking or accessory structure attached to a principal residential structure.
- C. No part of any communication tower, antenna, base unit, equipment, guyed wires or braces shall extend across or over any part of a public right-of-way.

- D. Communication towers, antennas and base units shall comply with applicable regulations as established by the Federal Aviation Administration and minimum yard requirements of the district in which they are located.

#### **105.05 Communication Towers and Antennas Conditionally Permitted in Zoning Districts**

Communication towers, antennas and base units are conditionally permitted use in all industrial zoned districts when they exceed 100 feet in height and must meet the following requirements. Additionally, communication towers, antennas and base units are conditionally permitted use in all non-industrial zoned districts and must meet the following requirements:

- A. Screening and landscaping. All base units shall be screened and landscaped. Such screening and landscaping shall include one row of evergreen shrubs or trees capable of forming a continuous hedge at least six (6) feet in height within two (2) years of planting. A maintenance plan for the landscape materials shall also be submitted. The Board of Zoning Appeals may consider or require the substitution of other architectural screening plans such as a decorative fence or masonry wall in lieu of planted materials.
- B. Height. The maximum communications tower height shall not exceed One Hundred (100) feet unless approved by the Board of Zoning Appeals in accordance with the provisions of Section 106 below.
- C. Rooftop mounted towers and antennas. Rooftop mounted communication towers and antennas shall not be located on residential structures less than fifty (50) feet in height, except for towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes.
- D. Facade mounted antennas. A facade-mounted antenna shall be mounted flush against the structure on which it is mounted and shall not extend beyond the facade of such structure, except that antennas designed for private reception of television and radio signals, used for amateur or recreational purposes, may extend above the facade of the structure.
- E. Base units. Base units shall not exceed five hundred (500) square feet of gross floor area.
- F. Security. All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.
- G. Signage. Advertising or identification of any kind on towers, antennas and base units shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

- H. Lighting. Communication towers and antennas shall not be illuminated by artificial means, except when mounted on an existing light pole or where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.

#### **105.06 CONDITIONAL USE STANDARDS FOR COMMUNICATION TOWERS AND ANTENNAS**

All communication towers and antennas requiring a conditional use permit shall be subject to the provisions of Sec. 1004, and the following standards:

- A. Tower type. Towers shall be of a monopole design. The Board of Zoning Appeals may consider the substitution of alternative tower types in cases where structural, radio frequency, and design considerations, location or the number of co-locators suggests a tower other than a monopole.
- B. Excess height. The Board of Zoning Appeals may increase the height of freestanding towers and antennas beyond one hundred (100) feet, provided that in the residence, business and transitional districts such increase shall not exceed the maximum height by more than fifty (50) percent. Additionally, the Board of Zoning Appeals must find that the additional height is needed to accommodate a second user, or that the surrounding topography, structures, vegetation, or other factors make the seventy-five foot height limitation impractical.
- C. Underground Base Units. In prominent locations highly visible from adjacent residential areas or public spaces, the Board of Zoning Appeals may require as a condition of approval that base units be located underground.
- D. Compatibility with nearby properties. The Board of Zoning Appeals must find that proposed communication towers, antennas and base units utilize building materials, colors and textures that effectively blend the tower facilities into the surrounding setting and environment to the greatest extent possible. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the industrial districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.
- E. Co-location of communication antennas. Shared use of existing communication towers shall be preferred to the construction of a new tower. The applicant shall submit an inventory of existing and approved communication towers within a one (1) mile radius of the proposed site outlining opportunities for shared use as an alternative to the construction of a new tower, and shall demonstrate to the satisfaction of the Board of Zoning Appeals that the

proposed antenna cannot be accommodated on an existing or approved tower due to one or more of the following reasons:

1. The unwillingness of the owner of the existing or approved tower to co-locate an additional antenna.
2. The planned antenna would exceed the structural capacity of existing or approved tower.
3. The planned antenna would cause radio frequency interference with other existing or planned equipment, which cannot reasonably be prevented.
4. Other reasons affecting technical performance, system coverage and system capacity make it impractical to place the proposed equipment on existing or approved towers.
5. The proposed tower is designed to structurally accommodate both the applicant's antenna and at least one (1) additional user. The applicant shall submit a letter indicating the proposed tower is available for co-location with a phone number for interested parties to call.

#### **105.07 Obsolete or unused towers.**

All obsolete or unused communication towers, antennas and base units or accessory facilities shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the Board of Zoning Appeals. If an extension is not approved, such towers, antennas and base units shall be deemed a nuisance, and the municipality may act to abate such nuisance and require their removal at the property owner's expense. The operator shall provide the Municipality with a copy of the Federal Communications Commission notice of intent to cease operations at the same time it submits such notice to the Federal Communications Commission. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all operators cease operations for a period of twelve (12) consecutive months, provided each operator shall provide the municipality with notice of intent to cease operations. After the facilities are removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

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**SECTION 106  
Flood Hazard Areas**

106.01 Statutory authorization; findings of fact; purpose; methods of reducing flood losses.	106.06 Variance procedure. 106.07 General standards for flood hazard reduction.
106.02 Definitions.	106.08 Specific standards
106.03 General Provisions.	106.09 Floodways.
106.04 Administration.	106.99 Penalty.
106.05 Flood Damage Prevention	

**106.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; METHODS OF REDUCING FLOOD LOSSES.**

- A. Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of its residents. Therefore, the Council of the Municipality of LaGrange, State of Ohio, does ordain as follows.
- B. Findings of Fact.
1. The flood hazard areas of the Municipality of LaGrange are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
  2. Minimize expenditures of public money from costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruption;
5. Minimize flood damage to public facilities and utilities such as water mains, gas mains, electric lines, telephone lines, sewer lines, streets, and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are aware that property is in an area of special flood hazard; and,
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

#### **106.02 DEFINITIONS.**

Definitions pertaining to this chapter are found in **Section 102.**



**106.03 GENERAL PROVISIONS.**

- A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Municipality of LaGrange
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the U.S. Department of Housing and Urban Development in a Flood Hazard Boundary Map for the Village of LaGrange effective December 23, 1977. This map is hereby adopted by reference and declared to be a part of this chapter. The Flood Hazard Boundary Map is on file at the Municipal Building in the municipality of LaGrange.
- C. Severability: Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- D. Compliance. Unless specifically exempted from filing for a development permit as stated in **Section 106.04(b)**, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.
- E. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply

that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Municipality of LaGrange, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### **106.04 ADMINISTRATION.**

- A. Establishment of Development Permit. A development permit shall be obtained from the Municipality of LaGrange before construction or development begins within any area of special flood hazard established in **Section 106.03(b)**. Application for a development permit shall be made on forms provided by the Floodplain Manager and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
1. Elevation, certified by a professional engineer or professional surveyor, in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
  2. Elevation, certified by a professional engineer or professional surveyor, in relation to mean sea level to which any proposed structure will be floodproofed;
  3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in **Section 106.08(b)**; and
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a professional engineer. that the flood carrying capacity of the watercourse will not be diminished.
- B. Exemption From Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000). Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

**106.05 FLOOD DAMAGE PREVENTION ADMINISTRATOR DESIGNATED; DUTIES.**

- A. Designation of the Floodplain Manager. A Floodplain Manager shall be appointed by the Municipality of LaGrange to administer and implement this chapter in accordance with its provisions.
- B. Floodplain Manager's Duties and Responsibilities. Duties and responsibilities of the Floodplain Manager shall include but are not limited to:
1. Permit review.
    - a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
    - b) Review all development permits to assure that all necessary permits have been received from those federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required, including permits issued by the Department of Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
    - c) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of **Section 106.09** is met.
  2. Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions shall apply:
    - a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement or enclosure below the lowest floor.
    - b) For all new or substantially improved floodproofed structures:
      - i. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,

- ii. Maintain the floodproofing certifications required in **Section 106.04(a)**.
  - (c) Maintain for public inspection all records pertaining to the provisions of this chapter.
3. Alteration of watercourses.
  - a) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
  - b) Require that necessary maintenance will be provided, by the applicant, for the altered or relocated portion of such watercourse so that the flood-carrying capacity will not be diminished.
4. Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **Section 106.06**.
5. Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency or U.S. Department of Housing and Urban Development in accordance with **Section 106.03 (b)** are designated as Zone A on the Flood Hazard Boundary Map. Within these areas, the Floodplain Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under **Section 106.08 (f)** in order to administer **Section 106.08**; and where floodway data are available, administer **Section 106.09**.

## **106.06 VARIANCE PROCEDURE.**

### **A. Appeal Board.**

1. The Zoning Board of Appeals as established by Section 1003 shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the Floodplain Manager in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the Lorain County Court of Common Pleas, as provided by law.
4. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - a) The danger that materials may be swept onto other lands to the injury of others;
  - b) The danger to life and property due to flooding or erosion damage;
  - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - f) The necessity to the facility of a waterfront location, where applicable;
  - g) The compatibility of the proposed use with existing and anticipated development;
  - h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected on the site;
  - k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical and water systems, and streets and bridges.

5. Upon consideration of the factors in subsection (a)(4) hereof and the purpose of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
6. The Floodplain Manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**B. Conditions for Variances.**

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) to (11). in subsection (a)(4) hereof have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a) A showing of good and sufficient cause;
  - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional

threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (a)(4) hereof or conflict with existing local laws or ordinances and a determination that the structure or other development is protected by methods to minimize flood damages.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### **106.7 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.**

In all areas of special flood hazards the following standards are required:

#### **A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors.

#### **B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with material resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **C. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater; and
3. On-site or individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to eliminate flood damage;
2. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivision and other proposed developments which contain at least fifty lots (50) or five (5) acres (whichever is less).

**106.8 SPECIFIC STANDARDS.**

In all areas of special flood hazard where base flood elevation data have been provided as set forth in **Section 106.03(b)**, the following provisions are required:

- A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,



3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in **Section 106.04(a)(3)**.
- C. Accessory Structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (for example, sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures shall meet the encroachment provisions of **Section 106.09** and the following additional standards:
1. They shall not be used for human habitation;
  2. They shall be designed to have low flood damage potential;
  3. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  4. They shall be firmly anchored to prevent flotation; and
  5. Service facilities such as electrical and heating equipment shall be elevated and floodproofed.
- D. Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01. These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.
1. Manufactured homes shall be anchored in accordance with **Section 106.07(a)**.
  2. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
- E. Enclosures Below the Lowest Floor. The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters.
1. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- (a) Be certified by a registered professional engineer or architect; or,
- (b) Must meet or exceed the following criteria:
  - i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - ii The bottom of all openings shall be no higher than one foot above grade.
  - iii Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

F. Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with **Section 106.03(b)** or **Section 106.05 (b) (v)**, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed development containing at least 50 lots or 5 acres (whichever is less):

1. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
2. If **Section 106.08 (f) (i)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Section 106.07** and **Section 106.08**.

#### **106.9 FLOODWAYS.**

The Flood Hazard Boundary Map referenced in **Section 106.03** does not identify a segment within areas of special flood hazard known as a floodway. Floodways may be delineated in other sources of flood information as specified in **Section 106.05 (b) (v)**. The floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If **Section 106.09 (a)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Section 106.08**.

- C. Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Floodplain Manager to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

**106.99 PENALTY.**

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the third degree. Whoever violates any provision of this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be fined or imprisoned as provided by the laws of the Municipality of LaGrange and the State. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Municipality of LaGrange from taking such other lawful action as is necessary to prevent or remedy any violations.

# SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION

Application is hereby made for a DEVELOPMENT PERMIT as required by the Flood Hazard Areas Section 106 of the Zoning Ordinance for the Municipality of LaGrange, Ohio for development in an identified flood hazard area. All activities shall be completed in accordance with the requirements of said Section. The development to be performed is described below and in attachments hereto. The applicant understands and agrees that:

- ▶ the permit applied for, if granted, is issued on the conditions and facts described herein;
- ▶ any permit issued may be repealed if any conditions or facts change;
- ▶ if issued, the permit shall be considered void if the described activity has not begun within six months of the issuance date;
- ▶ the permit will remain valid for one year from date of issuance.

---

Owner's name: \_\_\_\_\_ Builder: \_\_\_\_\_  
Address: \_\_\_\_\_ Address \_\_\_\_\_  
Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

## Description of Work

1. Location of proposed development site – address: \_\_\_\_\_  
\_\_\_\_\_ legal description: \_\_\_\_\_  
\_\_\_\_\_

2. Kind of development proposed:  
New building \_\_\_\_\_ manufactured home installation \_\_\_\_\_  
Residential \_\_\_\_\_ non-residential \_\_\_\_\_  
Single lot \_\_\_\_\_ manufactured home park \_\_\_\_\_  
Other \_\_\_\_\_ Describe: \_\_\_\_\_  
\_\_\_\_\_

Alteration to:  
Existing structure \_\_\_\_\_ building addition \_\_\_\_\_  
Accessory structure \_\_\_\_\_ filling \_\_\_\_\_  
Mining \_\_\_\_\_ dredging \_\_\_\_\_  
water course alteration \_\_\_\_\_  
Other \_\_\_\_\_ Describe: \_\_\_\_\_  
\_\_\_\_\_

3. If the proposed construction is an alteration, addition, or improvement to an existing structure, indicate the cost of proposed construction \$ \_\_\_\_\_. What is the estimated market value of the existing structure? \$ \_\_\_\_\_

Note: An existing structure must comply with the flood protection standards if it is substantially improved (an Improvement equal to or greater than 50% of the market value of the structure).

4. Does proposed development involve a subdivision or other development containing at least 50 lots or 5 acres (whichever is less)? Yes \_\_\_\_\_ No \_\_\_\_\_

Note: If yes, base flood elevation data is required from applicant if it has not been provided by FEMA.

I AGREE THAT ALL STATEMENTS IN AND ATTACHMENTS TO THIS APPLICATION ARE A TRUE DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSED DEVELOPMENT ACTIVITY. I UNDERSTAND THE DEVELOPMENT REQUIREMENTS FOR SPECIAL FLOOD HAZAARD AREA ACTIVITIES PER THE APPROPRIATE CHAPTER AND AGREE TO ABIDE THERETO.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: Items 5 through 9 are to be completed by a professional engineering or surveyor registered with the State of Ohio. All references to elevations are in feet mean sea level (m.s.l.)

5. Is proposed development located in an identified floodway? Yes \_\_\_\_\_ No \_\_\_\_\_

Note: If yes, A TECHNICAL ANALYSIS IS REQUIRED WITH THE APPLICATION TO SHOW NO INCREASE IN BASE FLOOD ELEVATION.

6. Structure will be flood protected by the following method:

\_\_\_\_\_ Fill added to construction site. Top of fill elevation must be \_\_\_\_\_ feet m.s.l., or

\_\_\_\_\_ Floodproofing in accordance with ordinance criteria.

Note: The floodproofing option is for non-residential development only.

\_\_\_\_\_ Installation of manufactured home – anchored and elevated.

\_\_\_\_\_ Other; Describe: \_\_\_\_\_

7. Base Flood Elevation (100-year) at proposed site \_\_\_\_\_ feet m.s.l.

Date Source \_\_\_\_\_

Map Effective Date \_\_\_\_\_

Note: An applicant receiving a variance to build a structure with a lowest floor elevation below the base flood (100-year) elevation is hereby notified that the reduced flood elevation will increase the risk of flooding and that the cost of flood insurance will be commensurate with the increased risk.

8. The certified as-built elevation of the structure's lowest floor is \_\_\_\_\_ feet m.s.l. \*

9. The certified as-built floodproofed elevation of the structure is \_\_\_\_\_ feet m.s.l. \*

\* Note: Certification by a registered engineer or land surveyor documenting these elevations are required.

I CERTIFY THE INFORMATION PROVIDED FOR ITEM 5 THROUGH 9 ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Professional Engineer or Surveyor Signature

\_\_\_\_\_  
Registration No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
City, State, Zip Code

Administrative

Note: Items 10 through 12 are to be completed by the local flood plain administrator/responsible authority

10. The proposed development is in compliance with applicable flood plain standards.

PERMIT ISSUE date: \_\_\_\_\_.

11. The proposed development is not in compliance with applicable flood plain standards.

PERMIT DENIED date: \_\_\_\_\_.

Reason for denial: \_\_\_\_\_  
\_\_\_\_\_

Note: All structures must be built with the lowest floor, including the basement, elevated or floodproofed to or above the base flood elevation (100-year) unless a variance has been granted.

12. The proposed development is exempt from the flood plain standards per Section 106.04 of the Flood Hazard Areas Section 106.

Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_

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**Section 107  
Alternate Energy Systems**

107.01	Purpose
107.02	Definitions
107.03	Regulations – Wind Energy Conservation Systems
107.04	Regulations – Solar Energy Systems

**Private Electrical Generating Systems.**

**107.01 Purpose:** Regulations governing the installation of private electrical generating systems are necessary to be responsive to concerns relating to public safety, the impact that such systems may have on adjoining and other near vicinity properties as well as the aesthetics of the community

**107.02 Definitions:** For purposes of this Section,

(A) “Private Electrical Generating System” means and includes a “Wind Energy Conservation System” and a “Solar Energy System.”

(B) “Wind Energy Conversion System” means a machine or device, or combination thereof, that converts energy in the wind into a usable form and which may include, but is not limited to, a tower, transmission equipment, a turbine, a rotor, and a propeller. It includes both free standing and devices mounted on an existing building or structure.

(C) “Solar Energy System” means a machine or device, or combination thereof, used to obtain energy from the sun and convert the same into a usable form and which may include, but is not limited to, hot water or air heating, photovoltaic systems, a solar panel, an array of solar panels, together with any mounting structures, plumbing, wiring, and batteries.

(D) “Tower Height” means the distance from the rotor blade at its highest point to the ground.

(E) “Clear Fall /Drop Zone” means an area surrounding the wind turbine unit into which a 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.

**107.03 Regulations - Wind Energy Conservation System**

(A) Conditional Use Permit Required: A Wind Energy Conservation System shall only be allowed in any Use District pursuant to a Conditional Use Permit, in accordance with the Ordinances of the Village of LaGrange, including but not limited to any zoning regulations specifically relating to Private Electrical Generating Systems.

(B) Clear Fall /Drop Zone: A Wind Energy Conservation System shall include a Clear Fall /Drop Zone equal to one and a half times the height of the tower and blades, except vertical axis wind turbine systems only require one times its height.

(C) Tower Height: Tower height shall not exceed Three fourths of the property width at the towers build line or 150 ft whichever is more restrictive shall apply.

(D) Setback: No part of the Wind Energy Conservation System structure, including guide wire anchors, may extend closer than five (5) feet to the property boundaries of the installation site. A wind turbine tower utilized as part of a Wind Energy Conversion System must be located behind the building setback line.

(E) Noise: A Wind Energy Conservation System shall not exceed 60 db, 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 LaGrange Village Administrator and may not resume operation until the noise levels have been reduced and verified by the LaGrange Village Administrator.

(F) Commercially Produced Energy System: Wind Energy Conservation Systems used for the commercial production of energy must have been approved under any applicable wind certification program recognized by the American Wind Energy Association, shall be in compliance with the Ohio Building codes, shall be certified by a licensed professional engineer and shall be submitted to the Village Zoning Inspector. A zoning permit must be issued prior to any construction.

(G) Zoning Permit Requirements: Zoning permit applications for Wind Energy Conservation Systems shall be accompanied by the following:

(1) 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.



(2) Drawings certified by a licensed engineer showing the size, height and construction of the structure, as well as the size and depth of the unit's mounting pad in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(3) An engineering report or documentation from the manufacturer of the average decibel rating of the model.

(4) A list or depiction of all safety measures that will be on the unit including anti-climb devices and lightning protection.

(5) Data specifying the kilowatt size and generating power of the unit.

(6) A maintenance schedule, as well as dismantling plan, for the removal of an inoperable unit.

(H) Compliance with FAA Regulations: Wind Energy Conservation Systems must comply with applicable FAA regulations.

(I) Compliance with Electric Code: Wind Energy Conservation Systems must comply with all applicable electric codes.

(J) Utility Notification: No Wind Energy Conservation 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.

(K) Electrical Wires: All electrical wires associated with a Wind Energy Conservation Systems, 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.

(L) Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(M) Appearance, Color and Finish: The wind generator and tower shall be and remain painted or finished in muted color, as approved by the LaGrange Village Administrator.

(N) Signs: Wind energy conservation systems shall not be used for the display of commercial advertising. Identification of the manufacturer or operator of the, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a Wind Energy Conservation System shall to the extent possible, not be visible from any public road.

(O) Shadow/Flicker: Wind Energy Conservation 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 a significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

(P) Maintenance: Wind turbines installed as part of a Wind Energy Conservation System must be maintained in good working order. Wind Energy Conservation Systems must remain operable. Any Wind Energy Conservation System that remains inoperable for more than 6 month must be removed within 90 days of issuance of notice of zoning violation.

#### **107.04 Regulations - Solar Energy Systems:**

(A) Conditional Use Permit Required: A Solar Energy System shall only be allowed in any Use District pursuant to a Conditional Use Permit, in accordance with the Ordinances of the Village of LaGrange, including but not limited to any zoning regulations specifically relating to Private Electrical Generating Systems.

(B) Rooftop Installation: Solar panels that are part of a Solar Energy System shall be permitted as a rooftop installation provided that no solar panel shall exceed the height of the roofline on a pitched roof. Solar panels installed on a flat roof shall be installed at an angle that is not more than three feet above the roof line, provided that the height of the solar panel shall not exceed applicable height requirements in the zoning district in which the solar panel is located.

(C) Ground Arrays: Solar panels that are part of a Solar Energy System shall be permitted as a ground array solely for the purpose of the heating of swimming pools in accordance with the following:

(1) Ground arrays shall not be permitted in a front yard.

(2) Ground arrays shall be located such that any glare is directed away from an adjoining property.

- (3) Ground arrays shall not exceed a height of 15 feet above the ground.
- (4) Ground arrays shall not exceed nine square feet.
- (5) Ground arrays are subject to the setback distances prescribed for the residential zoning district in which the ground array is constructed.

(D) Solar energy systems shall not be used for the display of advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line.

(E) A solar energy system shall, to the extent reasonably possible, be constructed of materials and shall be finished with colors, textures, screening and landscaping that will blend with the natural setting and existing environment.

(F) Construction and installation of a solar energy system shall be in conformance with all applicable local and State building, electrical and fire codes.

(G) Solar Energy Systems must be maintained in good working order and must remain operable. Any Solar Energy System that remains inoperable for more than 6 months must be removed within 90 days of issuance of notice of zoning violation.