

Form 34.02 Resolution of township zoning commission to submit proposed zoning resolution to county or regional planning commission RC 519.07

Be it resolved by the Township Zoning Commission, a public hearing having been held as provided for in RC 519.06, that the Secretary of the Commission be directed to submit the proposed zoning resolution, including text and maps, to the Lorain County Planning Commission (planning Commission of this county) for approval, disapproval or suggestions.

Sharon Pahl moved the adoption of the resolution, which motion was seconded by Engene S. Pleban voted as follows:

William C. Gellke
Don DeWitt
Engene S. Pleban
John C. Whelan
Sharon Pahl

Dated June 29, 2004

**ZONING RESOLUTION AS SET FORTH BY THE GRAFTON TOWNSHIP
TRUSTEES - LORAIN COUNTY, OHIO**

A Resolution providing for the zoning of the unincorporated area of Grafton township by regulating the location, the size and use of buildings and structures, the area and dimensions of lots and yards and the use of land and for such purposes dividing the unincorporated area of the Township into zones or districts of such numbers, sizes, and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution.

WHEREAS, the Trustees of Grafton Township deem it in the interest of the public health, safety, and economic stabilization of said Township and its residents to establish a general plan of zoning for the unincorporated area of said Township.

NOW THEREFORE, BE IT RESOLVED, by the Trustees of Grafton Township, Lorain County, Ohio.

**GRAFTON TOWNSHIP
LAND USE GOALS AND OBJECTIVES**

TOWNSHIP GOALS

1. Goal: To encourage the protection of existing development as well as the potential for suitable development of the area through good design and planning.

Objective: Develop a land use policy plan which is reflective of the Township needs and desires.

2. Goal: To encourage the maximum number of development opportunities which are consistent with sound planning, good design and free enterprise.

Objective: Establish a zoning plan which relates to the future land use policy plan and provides adequate land areas capable of meeting the short range needs of the Township.

3. Goal: To emphasize the historical significance of the Township.

Objective: Preserve identified historic structures and land sites through the careful institution of land use plans and regulatory measures.

4. Goal: To encourage the wise and efficient utilization of available resources including the diminishing land supply.

Objectives:
 - a. Develop those areas served by public facilities or in those areas which can be economically served by public facilities in the future.
 - b. Maintain controlled growth in those areas identified as prime agricultural lands.
 - c. Minimize the conflict of land uses.
 - d. Establish growth districts which correlate similar land uses in

order to maintain economic integrity.

- e. All growth districts shall be related to those land areas containing the soils having the necessary attributes to support the proposed land use types.

HOUSING

- 1. Goal: To attract and maintain a variety of housing arrangements and a high quality of the housing stock.

- Objectives:
- a. Establish residential districts of varying densities and housing types.
 - b. Relate the variety of residential growth districts to those areas either presently served or planned for future public facility services.
 - c. The different residential districts shall be related to those land areas containing the soil types necessary to support such uses.
 - d. Protect and preserve existing property values.
 - e. Discourage residential development in Business and Light industrial areas.

BUSINESS

- 1. Goal: To encourage development and availability of the supply of goods and services in the most convenient locations to serve all the residents of the Township with a minimum conflict between these and other land uses.

- Objectives: a. Consolidate strip business areas.

- b. Limit the land area for business development to a ratio proportionate to that which the population and the existing market needs can economically support.
- c. Minimize the conflict of other land use types and other business types.
- d. Identify the business needs of the Township and develop specific growth areas to meet these needs.
- e. Business growth areas shall be located adjacent to major transportation routes and systems in a manner which permits ease of access for the people and goods.

LIGHT INDUSTRIAL

1. Goal: To encourage light industrial expansion and development in the Township in order to broaden and strengthen the economic base and provide employment.

- Objectives:
- a. Provide suitable land in appropriate locations accessible to adequate transportation systems.*
 - b. Minimize the conflict with other land uses.
 - c. Develop adequate zoning legislation to encourage development and create an environment of harmony with residential uses.

ENVIRONMENT

1. Goal: To encourage the improvement and protection of the physical and aesthetic environment and land values within the Township.

- Objectives:
- a. Encourage the proper care and maintenance of the Township's environment.
 - b. Wetlands, woodlands, and scenic areas should be preserved.
 - c. Flood plain zoning should be established to protect those areas subject to frequent flooding from the encroachment of urban development.
 - d. Growth areas based on soil suitability should be identified and zoned accordingly.
 - e. Conflict of land uses shall be minimized and/or eliminated.
 - f. To control the dumping, burning and storage of industrial waste.

ARTICLE I
TITLE AND PURPOSE

101 TITLE

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

102 PURPOSE

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

ARTICLE II
INTERPRETATIONS AND DEFINITIONS

201 INTERPRETATION OF TERMS OR WORDS

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

a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

b. The word "building" includes the word "structure".

c. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

d. The word "lot" includes the words "plot" or "parcel".

e. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

202 DEFINITIONS

ACCESSORY BUILDING - See BUILDING, ACCESSORY

ACCESSORY USE - See USE, ACCESSORY

AGRICULTURE

The use of land for farming, dairying, pasturage, agriculture, 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.

ALTERATIONS

As applied to a building, a change or rearrangement in the structural parts or in the exit 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.

ALTERATIONS, STRUCTURAL

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

APARTMENT HOUSE

A building arranged, intended or designed to be occupied by three or more families living independently of each other.

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.

AREA, NET SITE

The total area within the property lines excluding external streets.

AREA, SIGN - See SIGN AREA

AUTO COURT - See MOTEL

BASEMENT - See Exhibit C page 28

A story partly underground but having at least one half 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.

BOARD - The Board of Zoning Appeals of Grafton Township, in Lorain County, Ohio.

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.

BUILDING

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY*

A building located on a lot with or without a principal building, to be used for storage and cannot be used for living purposes. The use of this building would be governed by the zoned district (AR,B,LI&FP) in which this building is located. The use of an accessory structure must be subordinate to a principal use typically permitted in that zoning district. No vehicle, trailer (box, soft sided or mobile home) or shipping container may be used as an accessory building in any zoned district in Grafton Township.

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.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed 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 mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPLE

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

BURIAL BUILDING

Any building used for the interment of bodies or other remains of persons who have died, including mausoleums and vaults.

CAMP

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

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

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.

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.

COMMISSION - The Zoning Commission of Grafton Township, in Lorain County, Ohio

CHURCH

A building designed for the purpose of assembly and worship.

CLUB

A building or portion thereof or premises owned or operated by an organization catering exclusively to members and their guests for social, literary, political, educational or recreational purposes which are not conducted primarily for gain, providing that vending stands, merchandising, or commercial activities are not conducted except as required generally for the membership and purposes of such club.

CONDITIONAL USE - See USE, CONDITIONAL

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.

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.

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.

COVERAGE

That percentage of the plot or lot area covered by the building area.

DENSITY

A unit of measurement; the number of dwelling units per acre of land.

DISABLED VEHICLES

Disabled Vehicle: Any vehicle meeting any of the following conditions:

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

b. Apparently inoperable as defined by the Ohio Revised Code as amended.

c. Refer to Section 1911.

DITCH ENCLOSURE PIPE*

A pipe designed to carry water through an enclosed ditch.

DRIVEWAY PIPE*

A pipe designed to carry water beneath the driveway from one side of the driveway to the other.

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 material of any kind.

DUPLEX - 2 dwelling units attached side by side.

DWELLING

A building designed or used as the living quarters for one or more families. The terms "dwelling", "single-family dwelling", "two-family dwelling", or "dwelling group" shall not be deemed to include motel, rooming house or tourist home.

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.

DWELLING, TWO-FAMILY

A building consisting of two dwelling units that are attached one above the other.

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family.

DWELLING UNIT, ACCESSORY - An addition of living quarters to a single family dwelling sharing a common wall and providing complete housekeeping facilities for a family member or caregiver.*

EDGE OF ROAD RIGHT-OF-WAY

The line where private property, as determined by recorded survey, abuts a publicly dedicated or privately reserved strip of land intended for public passage of vehicles and/or pedestrians. Also see EXHIBIT A on page 27 & EXHIBIT F on page 48a.

FAMILY

One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FARM Includes:

a. Tracts, lots and/or parcels totaling not less than ten (10) acres which are devoted exclusively to commercial agricultural production; or

b. Tracts, lots and/or parcels totaling less than ten (10) acres that are devoted exclusively to commercial agricultural production and produce a yearly gross income as determined annually by the County Auditor, on a yearly basis to a new three (3) year average. These averages are then compared to the expected yields and/or current livestock market prices that would be expected during at least three (3) of the last five (5) years on the individual farm. The submission of a 1040F Federal Income Tax Form or sales receipts will be accepted as evidence in place of the above method.

FILLING STATION - See GASOLINE STATION

FLOOD - See Exhibit D page 28

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

a. Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

b. Flood Plain: Any land area susceptible to being inundated from any source.

c. Floodway Fringe: That portion of the base flood plain located outside the regulatory floodway.

d. Regional Flood Plain: The area inundated by the base flood. This is the flood plain area that shall be regulated by the standards and criteria of this resolution.

e. Regulatory Floodway: The channel of a river or the watercourse and the adjacent land areas that must be reserved

in order to discharge the base flood without cumulatively increasing the water surface elevation more than 5 feet.*

FLOOD STAGE

The highest point at which flood waters have risen in the specific area in question.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NONRESIDENTIAL BUILDING

The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA, USABLE

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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.

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.

GARAGE, STORAGE

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger mobiles and in which no service shall be provided for remuneration.

GARBAGE

Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attended the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

GASOLINE STATION

Any area of land, including structures thereon, that is used 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.

HAZARDOUS WASTE

Hazardous wastes are toxic and made up of the following categories:

a. Radioactive: Radioactive materials are unstable in that they release part of their matter and energy in order to become stable. These radioactive materials are known as gamma, alpha or beta emitters.

b. Flammables: Flammables include waste oil, paint by products and other solvents that could and have sparked fires and explosions.

c. Corrosives: Corrosives include acids and can be highly toxic.

d. Explosives: Explosives cause a threat of explosion and fires.

e. Gases: Gases can be flammable or non-flammable and cause toxic release, explosion or fire.

f. Organic Compounds: Organic compounds come directly from living plants and animals but can be generated from chemical, medical, plastic, oil and pesticides industries.

g. Poisons: Poisons bring forth toxic release and can cause cancer, birth defects, nausea and cramping and severe headaches.

HOME OCCUPATION

An occupation or a profession customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit which is carried on by a member of the family residing in the dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes, by conditional use permit.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home and any other place for the diagnosis, treatment or other care of human ailments.

HOSPITAL, ANIMAL

An establishment for the medical and/or surgical care of sick or injured animals.

INDOOR SELF SERVICE MINI STORAGE FACILITY

A building or a group of buildings consisting of individual, small, self contained units that are leased or owned for storage of customer's goods and wares.

INSTITUTION

A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK

Any worn-out, cast off, or discarded article, material, or farm machinery that 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.

JUNK YARD

The use of more than one hundred (100) square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, tires, used building materials, used appliances, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, barrels, etc., are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. Two (2) or more disabled

motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard, or as amended by the State of Ohio.

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.

LAUNDERETTE

A business premise 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.

LIFT - A series of cells arranged in a linear pattern layer.

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 basements, attics, open patios, open terraces or courts, open breeze ways, outside steps, garages and/or carports.

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 Resolution and having not less than the minimum required frontage upon an improved public street or an approved private 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.

LOT, CORNER*

A lot that has an interior angle of less than 135 degrees at the intersection of two edge of road right-of-ways. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

LOT COVERAGE

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

LOT, DEPTH OF*

The 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 edge of road right of way. Lot length and lot depth have the same meaning.

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 yard regulations.

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

LOT OF RECORD

A lot that is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH

A lot having frontage on two parallel or approximately parallel streets.

LOT, WIDTH OF

The width measured at right angles to its depth.

LOT LINES- Any line dividing one lot from another.

MOBILE HOMES AND TRAILERS

Trailers and/or mobile homes- a transportable, dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as in immobile housing. The removal of wheels, frames, and/or other equipment used in transporting said mobile homes and placement on a permanent foundation such as concrete blocks, poured concrete or other materials used in permanent foundations shall not be cause for reclassification to that of a permanent or immobile home.

In no event shall a mobile home, often referred to as a trailer, trailer couch, travel trailer, motor home or trailer house be considered as a permanent, immobile home nor shall said use be permitted in any zoned district except on a temporary basis requiring a temporary permit.

MODULAR HOME

A detached dwelling unit designed to be transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operation, but which involves no substantial reconstruction that would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken.

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 that is herein separately defined.

MOTOR VEHICLE REPAIR, BODY AND PAINT SHOP

A building, or portion of a building, arranged, intended or designed to be used for making repairs and the painting of motor vehicles.

NONCONFORMING USE

A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

NUISANCE

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Grafton Township:

a. Manufacturing, storage for the purpose of sale, whether wholesale or retail, of fireworks. "Fireworks" means any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

b. Dumping, storing, disposing of or burning garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials. "Demolition materials" means materials from construction operations and from demolition operations and including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring, and insulation materials. The term shall not include flyash of any kind or

any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA. Demolition items such as brick, concrete, asphalt, and stone may be utilized for fill for driveways or to elevate land depressions provided that the plans for such fill are first submitted to and approved by the township trustees and provided further, that the dumping, storing, or disposing of such materials is not in conjunction with a commercial business.

c. Junkyards, automobile graveyards, or places for the collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, whitegoods, or junk for salvage or storage purposes, or for dismantling used vehicles.

d. Sanitary landfill.

NURSERY SCHOOL

A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

NURSING HOME

A home or facility for the care or treatment of the aged.

OPEN SPACE

An unoccupied space open to the sky on the same lot with the building.

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.

PORTABLE BUILDING

Any building not having a permanent footer or foundation, ie. skid building.

PRINCIPLE BUILDING -- See BUILDING, PRINCIPLE

PUBLIC USES

Public parks, schools, 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.

QUASIPUBLIC USES

Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

RECREATIONAL VEHICLE*

A vehicle such as a camper or motorhome used on a temporary basis for traveling, camping and recreational activities..

REFUSE

Putrescible and nonputrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes.

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 for the public.

SALVAGE YARD

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvage materials as a part of a manufacturing operation.

SANITARY LANDFILL

A method of disposing of refuse on land by using the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

SATELLITE DISH

Satellite ground stations or other antennas designed to transmit or receive radio or television signals.

SCAVENGING - The picking of materials from disposed refuse.

SERVICE STATION -- See GASOLINE STATION

SETBACK -- See Exhibit A page 27*

The minimum distance from the edge of road right-of-way to the building line measured along a line perpendicular to the edge of road right-of-way or front property line or, in the case of an arc street, measured along the radius of such arc.

For lots abutting on a thoroughfare as shown on the [Major Thoroughfare Plan for Lorain County], the setback shall be measured from the proposed edge of road right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Lorain County.*

SIGN

Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated device, displayed in any manner whatsoever, which directs attention of persons to any object, subject, place, person, activity, product, service, institution, organization or business.

SIGN AREA

The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing a sign copy shall not be included. Only one side of a free standing or projecting double faced sign shall be included in calculating surface area, providing that the two display surfaces are joined at an angle no greater than 60 degrees. All sides of multifaced signs, visible from any one street, shall be included in the calculation of surface area.

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. (See Exhibit C on page 28)

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.

STORY, HEIGHT OF

The vertical distance from the top surface of the floor to 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.

STREET See Thoroughfare.

STRUCTURE

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

SURFACE WATER

A body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond or lake.

SWIMMING POOL

A pool or open tank containing at least 1.5 feet of water at any point.

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

b. Community: Operated with a charge for primary use.

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.

THOROUGHFARE, Street or Road

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

a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

c. Collector Street: A thoroughfare, whether within a residential, light industrial, business or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn-around.

e. Dead-end Street: A street having only (1) outlet for vehicular traffic.

f. Local Street: A street primarily for providing access to residential or abutting property.

g. Loop Street: A type of local street, each end of which terminate at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins that contain living and sleeping accommodations for transient occupancy, and which have individual entrances.

TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER, TRAVEL

A vehicle used for living, sleeping or storage purposes and standing on wheels or on rigid supports.

USE

The specific purpose for which land or a building is 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.

USE, ACCESSORY

A use incidental to the principal use of a building. In buildings restricted to residential use, the office of a professional person, customary home occupations and workshops shall be deemed accessory uses.

USE, CONDITIONAL

A use of land that is of such 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 that are deemed necessary to protect the permitted uses of other affected properties.

VARIANCE

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.

WASTE

Useless, unwanted or discarded materials resulting from normal community activities. Wastes include solids, liquids and gases.

WAY

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD

An unoccupied space open to the sky, on the same lot with a building or structure.

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 edge road right-of-way and the front line of the building projected to the side lines of the lot. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

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 lot line 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 centerline of the alley, if there be an alley, and the rear line of the building.

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.

ZONING INSPECTOR

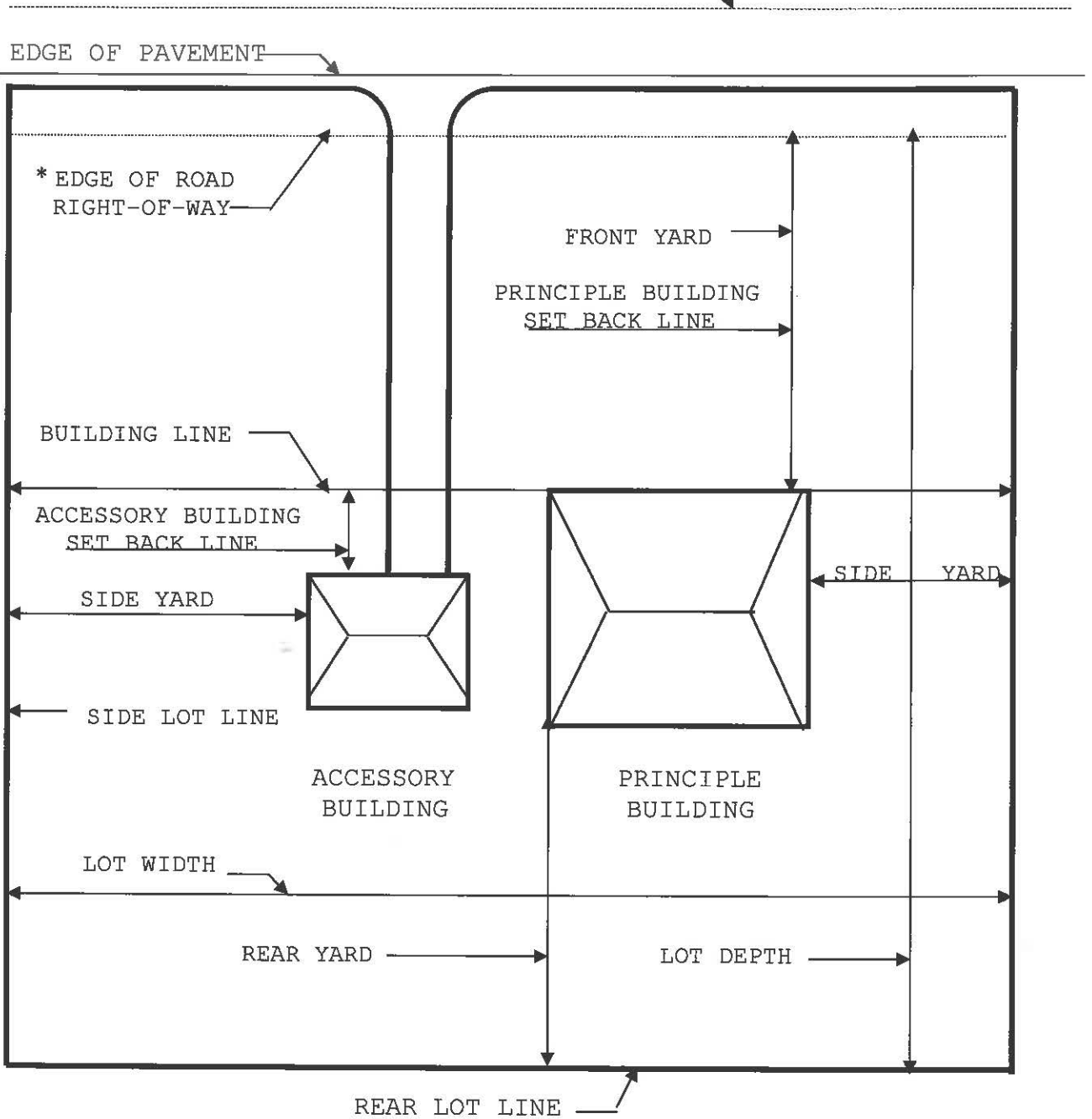
The Zoning Inspector of Grafton Township, Lorain County, Ohio.

ZONING RESOLUTION

The officially adopted zoning regulations as contained in the Zoning Resolution of Grafton Township.

LOT TERMS -- EXHIBIT A

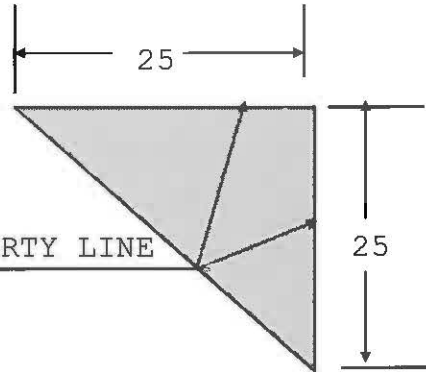
CENTER OF RIGHT-OF-WAY



LOT AREA - TOTAL HORIZONTAL AREA
LOT COVERAGE - PERCENT OF LOT OCCUPIED BY BUILDING
INDICATE - NORTH

LOT TERMS

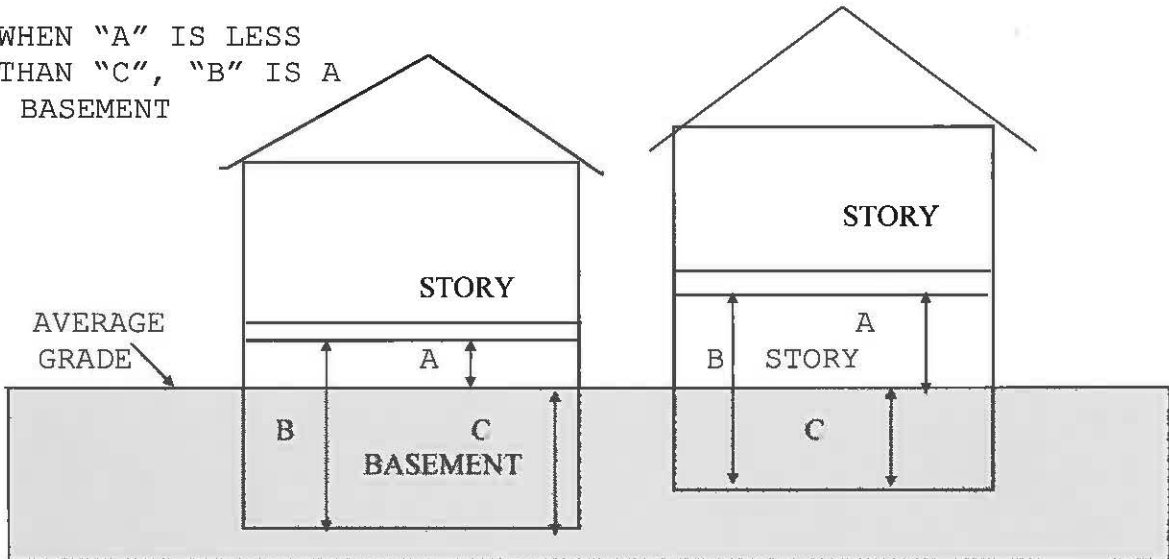
EXHIBIT B



*EDGE OF ROAD RIGHT OF WAY OR PROPERTY LINE

Section 304.02 CLEAR VIEW OF STREETS - Nothing greater than three (3) ft. in height shall be located in the triangular area as shown in the above diagram.

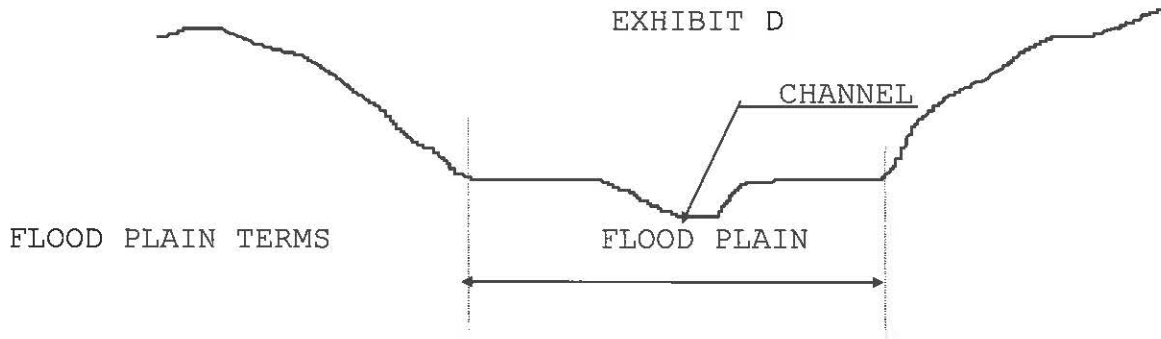
WHEN "A" IS LESS THAN "C", "B" IS A BASEMENT



WHEN "A" IS EQUAL TO GREATER THAN "C", "B" IS A STORY

BASEMENT & STORY EXHIBIT C

EXHIBIT D



FLOOD PLAIN TERMS

FLOOD PLAIN

**ARTICLE III
GENERAL REGULATIONS**

301 PURPOSE

The general regulations as set forth herein shall apply to all districts. Our zoning resolution shall be considered pyramidal zoning and fall within pyramidal use in that no greater restricted zoning use is permitted in a lesser restricted zone; but a lesser restricted use is permitted in a greater restricted zone.

302 CONFORMANCE REQUIRED*

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located. Any use not specifically listed as permitted shall be considered prohibited unless it is determined by the Zoning Inspector or Board of Zoning Appeals to be of like or similar nature. 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.

303 GENERAL LOT AREA REGULATIONS

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

303.01 LOT AREA EXCEPTION FOR EXISTING CERTAIN SUBSTANDARD LOTS

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution, and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which located.

303.02 CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. The side yard clearance on the side street shall be not less than fifty (50) feet from the edge of road right-of-way line.*

303.03 STREET CONSTRUCTION

No new streets or roads shall be permitted to be constructed, neither shall the same be accepted as public roads, in a residential district that will permit any already existing structure to remain in noncompliance with the setback building requirements outlined in this or any other section of the Zoning Resolution.

303.04 DUPLEX MINIMUM LOT AREA

The minimum lot area for a duplex shall be 1 1/2 times the minimum lot area in any district.

304 GENERAL YARD REQUIREMENTS

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

304.01 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 this lot whereon a building is to be erected or established.

304.02 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 edge of road right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of the edge of road right-of-way lines of the projected point. See Exhibit B on page 28.

305 YARD EXCEPTIONS

305.01 FENCES, HEDGES AND WALLS

In all districts, except industrial districts, fences, hedges and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard beginning at the building lot line and to a height of three (3) feet in

any required yard abutting a street. All living fences and hedges shall be set back a minimum of five (5) feet from all lot lines.

305.02 DETACHED GARAGES AND OTHER ACCESSORY BUILDINGS*

In residential districts detached garages or other accessory buildings may not be located closer than fifteen (15) feet from side and rear property lines.

306 EXCEPTION TO HEIGHT

Heights in excess of the permitted limitations to all structures, including, but not limited to, church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyers, flagpoles, radio and/or TV towers, masts, satellite dishes and aerials, shall be approved by the Board of Zoning Appeals. Variances of height limitations may be obtained only through action of the Board of Zoning Appeals.

307 BUILDING REGULATIONS

307.01 GENERAL

a. All construction of 1 & 2 family residences is subject to County Building Codes and all other construction is governed by the State.

b. 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 Resolution.
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 than permitted at the building.

307.02 PRINCIPLE BUILDING*

No more than one principle building or use shall be permitted on any residentially zoned lot. Any legal non-conforming residential use in a Business or Light Industrial district must be abandoned or seek relief from the Board of Zoning Appeals before addition of a non-residential use on the lot.

307.03 BUILDINGS UNDER CONSTRUCTION PRIOR TO ENACTMENT

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, provided construction is prosecuted diligently and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

307.04 TEMPORARY BUILDINGS

a. DURING CONSTRUCTION - One trailer or mobile home may be temporarily used as a residence on a lot while a permanent dwelling is being constructed. Said trailer or mobile home must be removed from premises at the end of said period. Such excluded use shall not be continued for more than six (6) months. A separate zoning permit shall be required for the use of temporary dwelling quarters. Such permit shall not be renewed or extended for more than six (6) months. A certificate of deposit in no event less than one thousand (\$1,000) dollars endorsed to the township (see Appendix A) shall be filed with the application for such permit. Such certificate of deposit shall be forfeited if use of a temporary dwelling exceeds the period of the permit.

b. LIMITED USE - A cabin or summer cottage may be used for a temporary residence for a period not to exceed seven (7) months in any calendar year. Visitor's trailers or mobile homes shall be permitted for a period not to exceed two (2) weeks in any calendar year. Approved sanitary facilities must be provided.

c. EMERGENCY USE - When a dwelling on any lot is destroyed or rendered uninhabitable by fire, explosion, act of God or act of the public enemy, a trailer or mobile home may be used as a temporary residence while the permanent dwelling is being repaired or reconstructed. A separate zoning permit shall be required for such emergency use. A certificate of deposit in no event less than one thousand (\$1,000) dollars endorsed to the township (see Appendix A) shall be filed with the application for such permit. Such use shall not be

continued for more than six (6) months. Permit may be renewed for an additional six (6) months.

307.05 HEALTH DISTRICT APPROVAL*

No zoning permit shall be issued without evidence that the applicable County or State agencies have approved the proposed sanitary sewage disposal and water facilities for the use for which the zoning permit has been requested.

307.06 FLOOD PLAIN ZONES

A permit may be issued with evidence that the Lorain County Soil Conservation Department or other applicable agency has certified that the site is not subject to predicable flooding. Areas subject to predicable flooding shall conform to the requirements of Article XV.

307.07 MUNICIPAL PLANNING COMMISSION AUTHORITY

The authority of village or city planning commissions shall be observed where applicable.

307.08 BUREAU OF INSPECTION

The provisions required by the State of Ohio Bureau of Inspection are in full effect where applicable.

307.09 SUBMISSION TO STATE HIGHWAY DIRECTOR (see 2001.04)

The provisions of Section 2001.04 are in full effect where applicable.

307.10 FRONTAGE REQUIRED FOR BUILDING

No principal building shall be erected on a lot that does not abut on a street of record. The frontage requirement shall be the same as the required lot width, except for cul-de-sac developments that shall maintain a minimum frontage of 80 feet.

307.11 EROSION AND SEDIMENTATION CONTROL DURING CONSTRUCTION

A plan for erosion and sedimentation control during and after construction shall be included with other plans upon

application for a zoning permit for subdivisions of five (5) acres or more or twenty (20) dwelling units or more and all commercial and industrial development of five (5) acres or more. The following principles shall be followed in developing and carrying out the plan.

a. The smallest practical area of land should be exposed at any one time during development.

b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.

c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

d. Sediment basins (debris basins, distilling basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

e. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

f. The permanent final vegetation and structures shall be installed when practical in the development.

g. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

h. Wherever feasible, natural vegetation should be retained and protected.

i. Existing drainage courses (surface ditches and subsurface drain) shall be conserved so as not to cause a restriction or acceleration of flow in areas adjacent to the development.

308 NONCONFORMITY

308.01 CONTINUANCE

The lawful use of a building or parcel of land existing at the time of the adoption of this Resolution may be

continued, although such use of a building or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residential district.

308.02 NONCONFORMING LOTS OF RECORD

In any "AR" District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of this Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements may be obtained only through action of the Zoning Board of Appeals.

308.03 DISCONTINUANCE

If any nonconforming use of land is discontinued or abandoned for any reason for a period of two years, said use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two (2) years, such nonconforming use shall not thereafter be reestablished and the future use shall be in conformity with the provisions of this Resolution.

308.04 CHANGE

Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

308.05 EXTENSION, ENLARGEMENT, REMOVAL

No nonconforming use shall be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or

subsequent amendment of this Resolution. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this Resolution.

308.06 DESTRUCTION, DAMAGE AND RECONSTRUCTION

Any nonconforming building or structure damaged by fire, explosion, act of God or act of the public enemy, may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty percent of its replacement cost at the time of destruction. A zoning permit for such reconstruction must be obtained. Nonconforming buildings or structures damaged to the extent of more than fifty percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution.

308.07 MAINTENANCE

On any building or structure devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent (10%) of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution shall not be increased.

309 SPECIAL REQUIREMENTS

309.01 CHURCHES

a. BUILDING SETBACK - All buildings, structures, accessory buildings including parking areas or garages shall be set back 50 feet from the side and rear lot lines.

b. LIGHTING - Lights shall be shielded and directed away from adjacent property.

c. LANDSCAPING - Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.

d. ACCESS - Ingress and egress shall be provided from a secondary street where possible with a minimum of two access points 70 feet center to center. All points of entrance or exit shall be located no closer than 200 feet from two intersecting major streets or 100 feet from the intersection of a major and a minor street, or two minor streets.

e. LOT AREA - 1 acre per 100 seats with a minimum development of three acres shall be provided.

f. Proper health permits are required for all churches.

309.02 PRIVATE SWIMMING POOLS

a. DEFINITION - For the purpose of these regulations, any pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth of one and one-half feet at any point shall be considered a private swimming pool. No such swimming pool shall be allowed in any "R" District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements.

b. EXCLUSIVE PRIVATE USE - The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

c. DISTANCE REQUIREMENTS - The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than fifteen (15) 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.

d. 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.

e. DRAINAGE - Adequate provision for drainage shall be made subject to approval by the County Engineer.

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

g. 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 therefor to the Zoning Inspector.

309.03 PONDS (New or Reconstructed)

DEFINITION

Traditional: A man-made water impoundment made by construction of a dam or embankment, or by excavating a pit or dugout, greater then one fourth ($\frac{1}{4}$) acre in surface area. (Source: NRCS Standard and Specification #378).
Primary Purpose: Recreational and fire protection.

ZONING REGULATIONS TRADITIONAL PONDS ONLY

a. A pond must be designed by a registered civil engineer or by the Lorain Soil and Water Conservation District to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.

b. The Lorain SWCD will provide technical assistance for pond design to residential and agricultural landowners. Industrial and commercial sites will need to obtain engineering service from private engineers.

c. Ponds designed by registered civil engineers can be reviewed by the Lorain SWCD for technical adequacy. (At the request of the township).

d. Minimum Size. Will be one-fourth of an acre in surface area (approximately 100 feet by 110 feet). Minimum depth: 8 feet in 25-50% of the pond with 3 to 1 side slopes (3 feet horizontal to 1-foot vertical rise).

e. Set Back Requirements. Will be minimum of 50 feet from all property lines and edge of road rights-of-ways. This is measured from the high water mark of the pond, the outside toe (edge) of the embankment (dam) and the outside edge of the spoil disposal area. None of these points can be closer then 50 feet to the property line or edge of road right-of-way line. (See Exhibit E on pages 40a and 40b).*

f. Flood Plain. The Lorain SWCD will not design a pond located in a flood plain area, as designated by the FEMA Flood Plain map or local zoning.

g. Drainage. On-site and off-site drainage patterns (surface and subsurface) will not be obstructed by pond construction, in compliance with Ohio Drainage Laws. Drainage (ditches, swales, tile etc.) will be rerouted around the pond and outletted into the original watercourse. All waters from any and all man made earthen structures shall not flow onto adjacent properties.

h. Erosion. The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.

i. Mounding of Spoil Material. Maximum height is eight (8) feet. Minimum top width is four feet and minimum side slopes are 3:1.

j. Spillway. All ponds will have a spillway system capable of handling storm water overflow from the pond. Overflow storm water will be discharged into the natural watercourse.

k. Proximity to Sanitary systems. Ponds used, as primary water supply will be minimum of 50 feet from the septic system leach field. Otherwise ponds will be a minimum of 25 feet from the nearest point of the sanitary system.

l. Ponds will not be discharged so as to affect the leach field of adjacent sanitary systems or raise the ground water so as to render ineffective any sanitary system.

m. Ponds will be managed and maintained so as not to create nuisance and health hazards. The location of a pond shall not cause a hazard to nearby residents.

n. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosions.

o. Liability for the pond is the responsibility of the landowner.

p. Fines and enforcement for the pond violations is the responsibility of the township. The Lorain SWCD does not issue permits nor is it responsible for enforcement action.

q. The Lorain SWCD requires a minimum of 60 days prior to construction to conduct investigation, perform surveys and prepare final drawing of pond.

r. The landowner is responsible for payment of fees to Lorain SWCD or other engineers for pond design/layout services.

s. Public utility requirements must be adhered to regarding both underground and overhead utilities.

t. Larger ponds and/or dams may be subject to review, approval and annual inspection by the Ohio Department of Natural Resources, Division of Water, under the Ohio Dam Safety Law.

OTHER TYPES OF PONDS DEFINITIONS;

***Aquaculture/Agriculture Pond:** A pond constructed on-farm for watering livestock or other agriculture purpose.

***Decorative Pond, Landscape Pools, Water Gardens:** A man-made water impoundment generally less than $\frac{1}{4}$ acre and eight feet deep. Will have a liner and pumps. Generally planted with plant materials for landscape enhancement purposes.

***Golf Course/Commercial Ponds:** A man-made body of water generally greater than $\frac{1}{4}$ acre and eight feet deep. Used for recreation and/or landscaping purposes and in areas of commercial/industrial development and public/private golf courses.

***Retention/Detention Ponds:** A pond or wet basin constructed for flood control purposes. Usually in subdivisions or other on commercial/industrial property. No size/depth restrictions.

***Wetland:** A natural or constructed body of water generally less than six feet in depth with no minimum/maximum size. Made by constructing a dam, excavating a pit or by destroying a drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife. (A minimum of 500 feet from a residence).

p. Fines and enforcement for the pond violations is the responsibility of the township. The Lorain SWCD does not issue permits nor is it responsible for enforcement action.

q. The Lorain SWCD requires a minimum of 60 days prior to construction to conduct investigation, perform surveys and prepare final drawing of pond.

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OTHER TYPES OF PONDS DEFINITIONS;

***Aquaculture/Agriculture Pond:** A pond constructed on-farm for watering livestock or other agriculture purpose.

***Decorative Pond, Landscape Pools, Water Gardens:** A man-made water impoundment generally less than ¼ acre and eight feet deep. Will have a liner and pumps. Generally planted with plant materials for landscape enhancement purposes.

***Golf Course/Commercial Ponds:** A man-made body of water generally greater than ¼ acre and eight feet deep. Used for recreation and/or landscaping purposes and in areas of commercial/industrial development and public/private golf courses.

***Retention/Detention Ponds:** A pond or wet basin constructed for flood control purposes. Usually in subdivisions or other on commercial/industrial property. No size/depth restrictions.

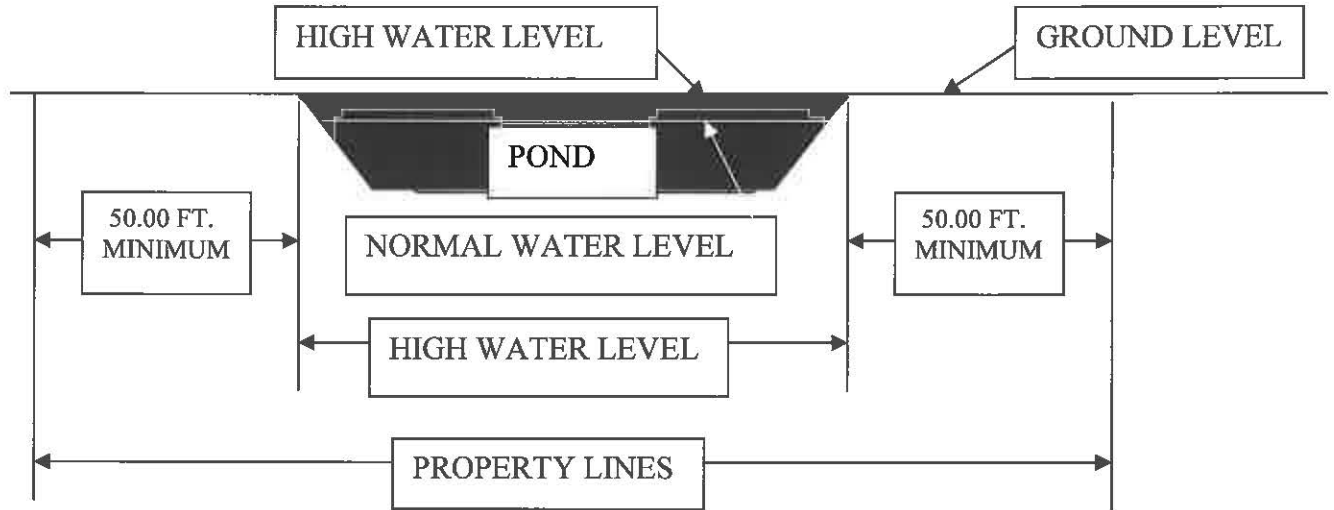
***Wetland:** A natural or constructed body of water generally less than six feet in depth with no minimum/maximum size. Made by constructing a dam, excavating a pit or by destroying a drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife. (A minimum of 500 feet from a residence).

EXHIBIT E

POND SETBACK REQUIREMENTS

A 50 FOOT SET BACK IS REQUIRED AS SHOWN BELOW FOR ALL TRADITIONAL PONDS
ALL SITUATIONS MUST APPLY

(1) 50 FEET FROM POND EDGE (HIGH WATER MARK)



(2) 50 FEET FROM EDGE OF DAM (EARTH FILL)

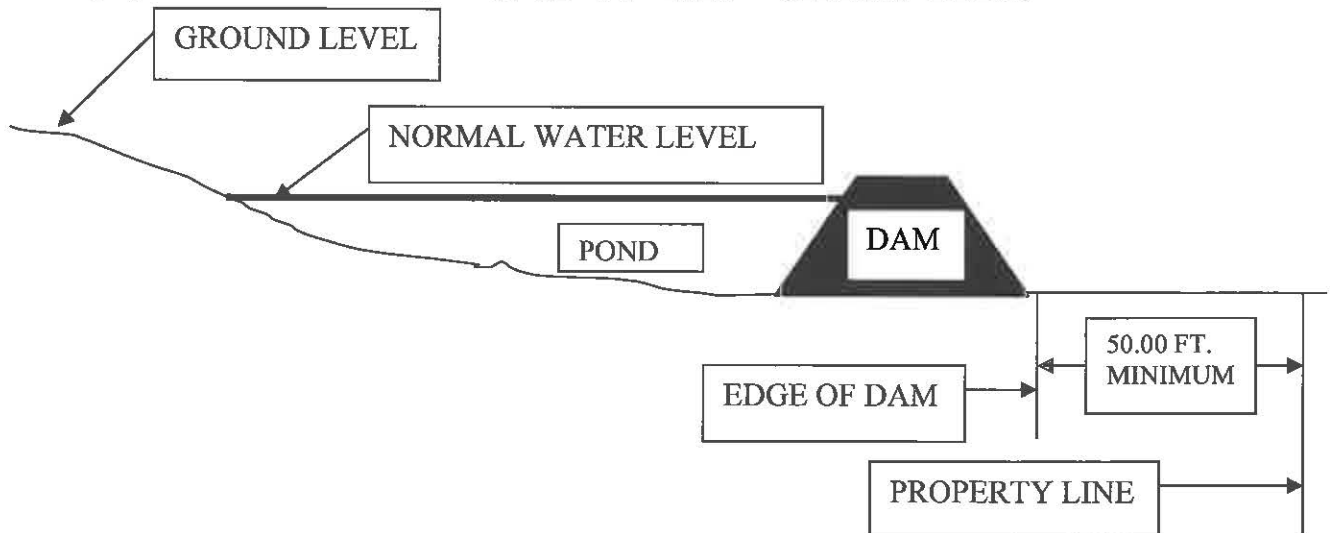
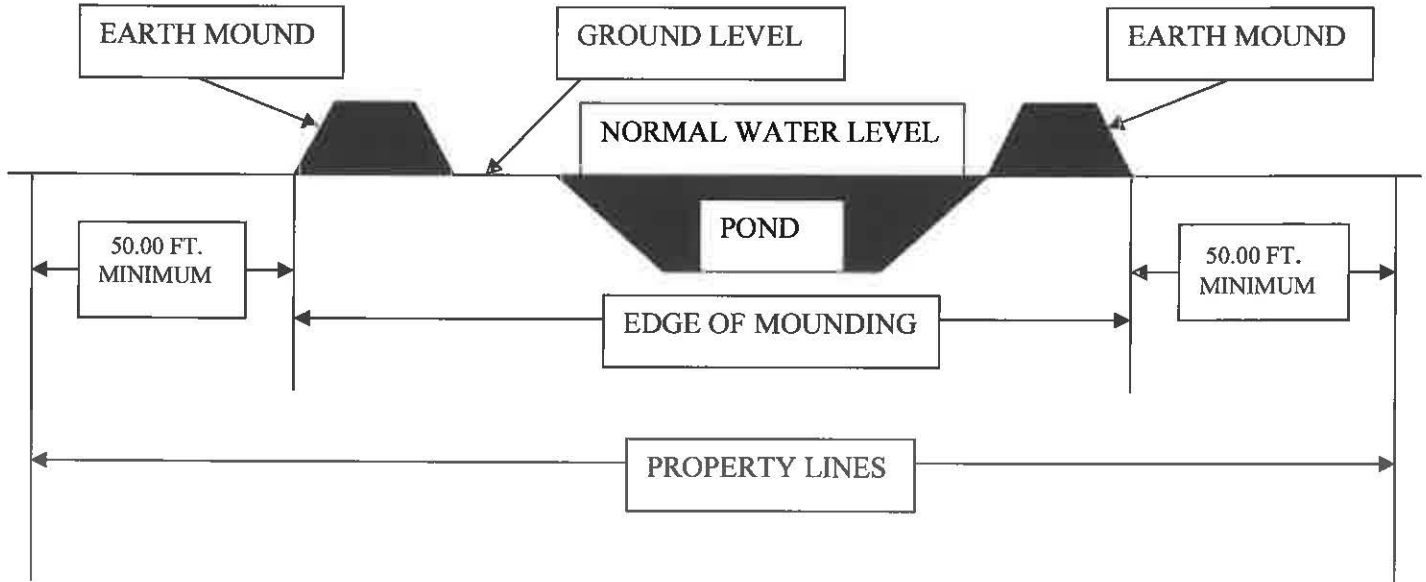


EXHIBIT E

POND SETBACK REQUIREMENTS con't

(3) 50 FEET FROM EDGE OF MOUNDING



Type of Water Body	Setback(ft) (ft)	Designed By	Review By	Permit Needed
Decorative Ponds* Landscape Pool* Water Garden*	25	Landscape Architect Landscape Designer	Township	Yes (ponds more than 100sq.ft.)
Golf Course Pond Commercial Pond	50	Registered Civil Engineer	Township Zoning Board	Yes
Retention and Detention Basin	50	Registered Civil Engineer	Township Lorain County Planning	No
Aquaculture Pond Agricultural Ponds	50	SWCD, Biologist Consultant	SWCD	No
Wetland	50	SWCD, Division of Wildlife, Biologist	SWCD	Yes
Traditional or Residential	50	Registered Civil Engineer or SWCD	SWCD	Yes

*(Only applies to areas greater then 100 Square Feet, Approx. 10'x10'

Construction Notes For -Other Bodies Of Water-

*The Lorain SWCD can assist the township with these reviews, if requested.

*All constructed water bodies (except Decorative ponds, Landscape pools and Water Gardens) shall be a minimum of 50 feet from all property boundaries. In addition earthfill and or excess spoil will be no closer then 50 feet to any property line. (See Exhibit E pages 40a & 40b)

*On-site and off-site drainage patterns(surface and subsurface) will not be obstructed by construction of any water body. Drainage will be routed around the pond and outletted into the original watercourse.

*Wetlands will be a minimum of 500 feet from any home and constructed in an area that is compatible with wildlife.

309.04 WIND TURBINE ENERGY SYSTEMS FOR GENERATING ELECTRICITY
(ALL DISTRICTS)

a. Purpose:

It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.

b. Definitions:

Wind Turbine Energy System: A wind energy conversion system consisting of a wind energy turbine, a tower and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.

1. System Height: Height shall be considered the total height of the turbine system from ground level at the base to the blade extended at its highest point or to the top of the tower, whichever is the highest.

2. Clear Fall Zone: An area surrounding the wind turbine system into which the turbine and/or its components might fall.

3. Monopole: A wind turbine tower that is a free standing design without guy wires or lattice supports.

4. Shadow flicker: The intermittent shadow produced by the moving wind turbine blade(s) in front of a light source.

5. Strobging: The intermittent light reflected from the moving blade(s) of a wind turbine system.

c. Permitted Use:

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

1. Minimum Lot Size: 2 acres

2. Maximum Turbine System Height: The maximum system height of a wind energy system shall not exceed (80) eighty feet.

3. Set Back: The minimum set back from any property line, other wind turbine or dwelling shall not be less than 150% of the wind turbine energy system height as measured from the edge of the base. The turbine system shall not be located any closer than (20) twenty feet to

any non-dwelling structure on the parcel intended for the turbine.

4. Shadow/Flicker: Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker effect. The applicant has the burden of proving that these effects do not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

5. Strobing: Strobing from a wind turbine energy system is not permitted.

6. Noise: Wind turbine energy systems shall not exceed 60 dBA, as measured at the property boundaries of the installation site. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.

7. Required Certification: All wind turbine energy systems must be approved by any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building Code and certified by a licensed professional engineer.

8. Zoning Permit Requirements: A zoning permit must be issued prior to any construction. Zoning permit applications for wind turbine energy systems shall be accompanied by:

- (a) Standard site plan showing the wind turbine structure and locations of the tower, base, footings, property lines and structures. Evidence of a "clear fall zone" must be provided on the site plan.
- (b) Engineered drawings showing the size, height and construction of the structure, as well as the size and depth of the unit's mounting pad.
- (c) An engineering report or documentation from the manufacturer of the average and maximum decibel rating of the model.
- (d) A list or depiction of all safety measures that will be on the unit including anti-climb devices and lightning protection.
- (e) Data specifying the rated kilowatt output and the maximum power output.

- (f) A maintenance schedule, as well as a dismantling plan, for the removal of an inoperable unit.
- (g) A line drawing of the electrical components providing proof that the installation conforms to the National Electrical Code.
- (h) Evidence 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.

9. Compliance with FAA Regulations: Wind turbine energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

10. Electrical Wires: All electrical wires associated with a wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

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

12. Appearance, Color and Finish: The wind generator, and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer. The paint or finish shall be kept in good repair for the life of the wind turbine energy system.

13. Signs: All signs, other than the manufacturers' identification, installers identification and appropriate warning signs, on a wind generator, tower, building or other structure associated with a wind turbine energy system shall be prohibited.

14. Maintenance: Wind turbines must be maintained in good working order. Wind Turbine Energy Systems that become inoperable for more than 6 months must be removed from the property at the owner's expense or other body identified in the dismantling plan.

15. Multiple Wind Turbine Energy Systems:
Each Wind Turbine Energy System will:

- (a) Obtain a separate zoning permit.
- (b) Have it's own 2 acre minimum requirement.
- (c) Comply with all other permitted use requirements.

16. Access: No step bolts, rungs, or ladders are permitted on the tower within 12 feet of the ground.

17. Monopole Design: The wind turbine energy system shall be of a monopole design.

18. Electromagnetic or signal interference: No wind turbine energy system shall cause interference with television or other communication systems.

19. Rotor Safety: Each wind turbine shall be equipped with automatic controls to limit the rotational speed of the blades within the design limits of the rotor. A manual shut-off switch to stop and lock the rotor shall be included in the installation. This shut-off switch shall be located outside of the clear fall zone, accessible to emergency and safety personnel and be prominently and clearly labeled. The minimum distance between the ground and any rotating assembly utilized on the wind turbine shall be 15 feet as measured from the lowest point.

310 SUBMISSION OF PLANS ON 5 ACRES OR MORE

310.01 APPLICABILITY

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

310.02 ACTION BY ZONING COMMISSION AND APPLICANT

Application for developments in all districts shall be reviewed by the Zoning Commission in four stages:

a. Application submission of general plan including sketches;

b. Submission of preliminary development plans and preliminary architectural drawings and site plans;

c. Submission of final development plans and final architectural drawings and site plans;

d. Decision of Zoning Commission given in writing to Zoning Inspector.

310.03 REZONING

Rezoning from another district to the proposed classification shall be considered during the submission of the preliminary site development plans. No zoning permits shall be issued and no building shall be permitted within the designated districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Commission. Prior to the granting of the permit, the Zoning Inspector shall receive from the Zoning Commission and the State Building Inspector an advisory report approving the proposed development plans as presented in final form as required herein.

310.04 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning

Commission and the building inspector of the State, or other applicable agencies as designated by the Zoning Commission, authorize only the use and arrangement set forth in such approved plans and applications and amendments thereto, and no other use, arrangements, or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.

310.05 APPLICATION PROCEDURE

a. The developer shall meet with the Zoning Commission prior to the submission of the preliminary plans of the development. The purpose of the meeting is to discuss early and informally the purposes and effect of the regulations and the criteria and standards contained in the applicable district regulations; and to familiarize the developer with all plans and regulations of the community. The general plans should indicate the types of units to be used; approximately the location of all buildings; type and location of parking facilities; access points and location of public and private streets; location, type and approximate acreage of all required open spaces. Three copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations and requirements before a considerable amount of time and expense has been invested. A formal application and an application fee are required.

b. The Zoning Commission shall discuss with the developer the changes if any, that will be required and the procedure for submitting the preliminary development plans. The Zoning Commission's approval at this stage shall not be binding, but should indicate a general willingness to approve the final plan if the developer meets the necessary requirements.

c. All application submissions shall be submitted at the Zoning Commission not less than two weeks prior to the regularly scheduled meeting.

310.06 PRELIMINARY SUBMITTAL PROCEDURE AND REQUIREMENTS

After the application stage, the developer shall submit preliminary development plans to the Zoning Commission. These plans shall include site development and architectural

plans and drawings in preliminary form that shall conform with the requirements set forth in this Resolution.

310.07 SUBMITTAL OF PRELIMINARY ARCHITECTURAL DRAWINGS

The preliminary drawings for each type of structure shall be submitted for the purpose of portraying conceptually the intended uses within the development. The submittal shall contain the height of the structures, number of units, number of square feet and elevations.

310.08 PRELIMINARY SUBMITTAL TO THE ZONING COMMISSION*

a. The Zoning Commission shall submit in writing to the petitioner the necessary revisions to be shown prior to approval of the preliminary plan, whereupon, the petitioner will submit the revised site plan and drawings to the Zoning Commission 30 days prior to the next regular meeting.

b. Upon approval of the preliminary plans by the Zoning Commission, the final plans may be prepared and submitted for review.

c. Approval of the preliminary plans shall be conditional upon compliance with all other applicable statutes, ordinances, and regulations of Grafton Township, County and State.

310.09 FINAL SUBMITTAL PROCEDURES AND REQUIREMENTS

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

311 SATELLITE DISH REGULATIONS (All Districts)

a. Satellite dishes exceeding 30 inches in diameter are subject to zoning permits and fees and the following provisions shall apply.

1. Such ground stations or antennas shall be for the personal use of residents and their guests.

2. Such ground stations or antennas shall contain no graphic messages or advertising.

3. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

- (a) Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above grade height of twelve feet.
- (b) Such stations or antennas shall maintain minimum rear and side lot line requirements for the district in which said accessory structure is located.
- (c) Such station or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.
- (d) Wiring between such station and any other structure shall be placed underground.
- (e) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

4. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

- (a) Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, and shall not be mounted on a pitched roof facing the front yard.
- (b) Such station or antennas mounted on the roof of a primary or accessory structure shall not exceed the height above the roof on which it is mounted at the roof's highest point.

- c) The diameter of any dish antenna mounted upon the roof of a primary or accessory building shall not exceed four (4) feet.
- (d) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

b. In or on other than dwellings, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

1. Such ground station or antennas shall contain no graphic message or advertising.

2. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

- (a) Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above grade height of twelve feet.
- (b) Such stations or antennas shall maintain minimum rear and side lot line requirements for the district in which said accessory structure is located.
- (c) Such station or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.
- (d) Wiring between such station and any other structure shall be placed underground.
- (e) Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.

3. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

(a) Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires, and shall not be mounted on a pitched roof facing the front yard.

(b) Such station or antennas mounted on the roof of a primary or accessory structure shall not exceed the height above the roof on which it is mounted at the roof's highest point.

312 NUISANCE See definition

It is the intent of this Resolution that all questions of interpretations and enforcement shall first be presented to the Zoning Inspector for the determination of abatement, control or removal according to Ohio Revised Code section 505.87.

313 HAZARDOUS WASTE DISPOSAL SITES

There is great potential for destruction and death inherent in the threat of hazardous waste. Therefore hazardous waste disposal sites are prohibited in Grafton Township.

314 WASTE STORAGE*

No structure or pond shall be constructed, installed, or operated to store treated or untreated human waste, animal waste, or industrial waste in any zoning district in Grafton Township; the sole exception shall be the storage of either human or animal waste generated on premises.

315 MOBILE HOMES AND TRAILERS (See Section 307.04)

Mobile homes and trailers shall not be permitted in any zoned district except for use as a temporary residence on a lot while a permanent dwelling is being constructed.

316 SUBDIVISIONS

a. Residential Subdivisions

1. Lot requirements shall conform to Article VI Section 604 in the AR District. See 1, 2, 3, & 4 for description and minimum lot size. (Also see Exhibit F on page 48a).

- (a) Minimum single family building lot or accessory building lots - 200 feet continuous frontage x 350 feet depth.
- (b) Minimum front yard depth - seventy (70) feet for all federal or state highways; fifty (50) feet for all other roads.
- (c) Minimum rear yard - fifty (50) feet.
- (d) Minimum side yard width - fifteen (15) feet with total side yard not less than thirty (30) feet.

2. FARM ANIMALS - In platted subdivisions or in any area consisting of 15 or more lots approved under Section 711.131 of the Ohio revised code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the set backs for structures housing farm animals and/or storage or use of manure or odor or dust producing substance shall be eighty (80) feet from side lot lines and eighty (80) feet from rear lot line. See Section 519.21 of the Ohio revised code.

b. General Regulations

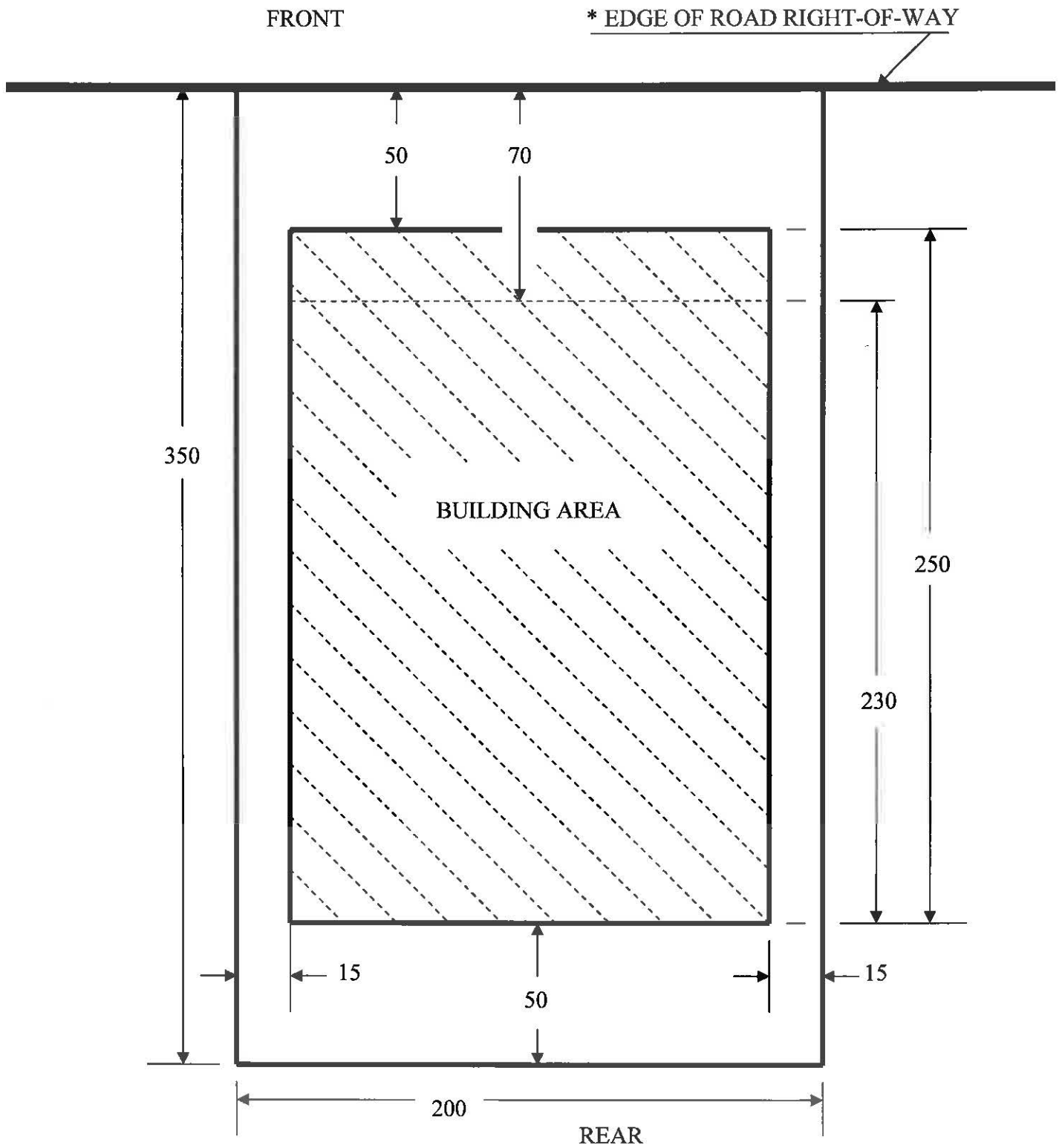
1. PAVEMENT TYPE - The Township Trustees encourage the use of asphalt or motor paved roads. These surfaces lend themselves to be the most compatible to the township normal maintenance procedures. Reinforced concrete pavement may be required by the Township Trustees based on the type of development. All pavement shall be subject to the Lorain County Engineer's construction standards and inspection.

2. SUBBASE - Shall be compacted clay material.

3. BASE - All road bases shall have: a properly installed layer of woven geotextile fabric that has been approved by the Township Trustees; six inches of number 1 and 2 limestone followed by five inches of number 304 limestone.

MINIMUM LOT AND YARD REQUIREMENTS IN A SUBDIVISION

EXHIBIT F



4. TOP LAYER - The top layer shall have two inches motorpave leveling course followed by two inches asphalt or two inches motorpave surface layer.

5. BERMS - shall be constructed on both sides of the pavement, two feet wide, and the full depth of the pavement. Six inches of #304 limestone shall be placed and properly compacted. A final layer of #411 limestone shall be added and compacted, so that the berm is flush with the road, and has a one inch per foot taper away from the road edge.

6. ROAD DITCHES - All road ditches shall have six inch drainage tile installed so as to handle low flow water drainage. All ditches shall be constructed to allow for proper drainage of right of way and ease of mowing.

7. LATERAL DRAINS - All roads shall have lateral drains every fifty feet draining to the storm drains or the six inch road ditch tile.

8. RIGHT OF WAYS - No islands shall be constructed in the road right-of-way at intersections, cul-de-sacs or any other place. No trees, fences, or other items will be permitted in the right-of-way without the Township Trustees' permission.

9. SIDEWALKS - Sidewalks may be required by the Township Trustees where special conditions exist.

10. DRAINAGE PIPES - All road culverts passing under streets or roads shall be constructed of concrete or smooth lined corrugated polyethylene HD conduit.

11. CURVES - Streets shall be designed with as few curves as possible, for the greater safety of the driving public, as well as for easier maintenance.

12. SANITARY SEWERS - The design of the subdivision and improvements shall allow room for the future installation of sanitary sewers.

13. STREET LIGHTING - Street lighting shall be installed at all intersections as required by the Township Trustees.

14. ISSUANCE OF ZONING PERMITS - Zoning permits will not be issued for any subplot where the means of ingress or egress is along a newly proposed road until the following items have been completed:

- (a) When all roads are in and the intermediate course of asphalt is completed.
- (b) When all water lines with hydrants are installed.
- (c) All utilities must be installed underground, unless in the event that the service provider, i.e. Ohio Edison or LMRE, is requiring overhead wires.
- (d) When all road right-of-ways have been final graded.
- (e) All road right-of-ways must be grassed as soon as possible as conditions permit.

15. INSPECTION - All work will be subject to approval by the Township Trustees. Inspection will be required by Township Trustees to assure compliance and the cost of the inspection will be paid by the developer.

317 DRIVEWAY REQUIREMENTS*

- a. Each lot will have its own separate driveway from accepted highways.
- b. A permit is required for a new driveway, new driveway pipe, replacement driveway pipe, and modification or addition to existing driveway pipe.
- c. All driveway and driveway pipe specifications (e.g., pipe diameters, length, inlets, profile, construction material, burial depth) shall be determined by the permit issued by the state, county, or Grafton Township.
- d. The Grafton Township Road Department recommends that the driveway pipe shall be dual-walled corrugated plastic whenever it can be installed to the manufacture's specified installation.
- e. No point of the driveway shall be closed than 6 feet from any side property line. (Excludes approach in the road right-of-way).

f. Minimum width of driveway shall be 10 feet. Minimum approach width shall be 24 feet measured at the edge of road pavement.

g. Setback of driveway pipe to be determined by the Grafton Township Road Department.

h. Driveway pipe installation:

1. All sod shall be removed in the approach area.

2. Pipe shall be placed on firm undisturbed soil or on compacted 304/411 stone at the proper elevation.

3. Material around sides and to a level of one foot above pipe shall be compacted 304/411 stone.

i. Profile grade: On uncurbed roadways the profile grade shall slope down and away from the pavement edge for a minimum of 6 feet at the rate of 1 inch per foot.

j. Elevation at roadway: If the approach is paved, the paving material must not exceed the height of the roadway.

k. Driveway pipe replacement along a township road:

1. Replacing or resetting a driveway pipe can be done by the Grafton Township Road Department, by the property owner or their contractor.

2. If the Grafton Township Road Department sets the pipe, it will supply the stone required up to 6 tons. The property owner or their contractor shall pay for the pipe and other materials.

3. The Township will not replace any driveway surface disturbed/damaged during the replacement or resetting of the driveway pipe.

1. It is the responsibility of the person doing the excavation to contact all appropriate locator services (e.g., Ohio Utilities Protection Service [OUPS] and others).

m. The property owner shall be responsible for maintaining the proper working condition of the installed driveway pipe.

a. A permit is required for a new ditch enclosure pipe, replacement ditch enclosure pipe, and modification or addition to existing ditch enclosure pipe.

b. The feasibility of completing a ditch enclosure shall be assessed by the Grafton Township Road Department prior to issuance of a permit.

c. All ditch enclosure specifications (e.g., pipe diameters, length, inlets, profile, construction material, burial depth) shall be determined by the Grafton Township Road Department.

d. Profile grade: On uncurbed roadways the profile grade shall slope down and away from the pavement edge for a minimum of 6 feet at the minimum rate of 1 inch per foot.

e. Final grading, top soil, seeding, and mulch to be done by property owner or their contractor.

f. Installing, replacing, or resetting ditch enclosure pipe can be done by the Grafton Township Road Department, by the property owner or their contractor.

g. The property owner or their contractor shall pay for the pipe and any other materials.

h. It is the responsibility of the person doing the excavating to contact all appropriate locator services (e.g., Ohio Utilities Protection Service [OUPS] and others).

i. Prior to commencement of work, owner must mark all pipe and tile entering roadside ditch with wooden stakes.

j. The property owner shall be responsible for maintaining the proper working condition of the installed ditch enclosure structures.

ARTICLE IV
CONDITIONALLY PERMITTED USES

401 GENERAL REQUIREMENTS

a. PERMITS - All conditionally permitted uses shall come before the Zoning Board of Appeals in the general conditions as set forth in Article XXI.

b. INSPECTION - The Zoning Inspector may inspect the premises at any time. Failure to comply with the regulations as established herein and such others as the Board of Appeals may add will be considered reason for revocation of the conditional permit.

c. VIOLATIONS - Conditional use permits shall be revoked after 30 days from date of written notice of violation unless violation has been corrected.

402 AUTOMOBILE AUTOMATIC WASH STATIONS [B]

a. OFF-STREET RESERVE SPACE - Reserve space for not less than ten automobiles per washing lane shall be provided.

b. REQUIRED OFF-STREET PARKING - One space for each two employees plus one space for the owner or manager.

c. LIGHTING - All outside lighting shall be shielded from adjacent properties.

d. FRONTAGE AND DEPTH - A minimum frontage of 200 feet and a depth of 350 feet are required.

e. SAND TRAP - A sand trap for waste water with a minimum capacity of 120 cubic feet shall be provided within the building for protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices. Said use shall be located one hundred feet from any lot in a residential district.

f. RETAIL SALES - Retail sales of related commercial products shall be permitted.

g. REPAIR WORK - Repair work shall not be permitted.

h. SERVICES - Services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.

i. HOURS OF OPERATION - Facilities located adjacent to a residential area shall be used only during the hours of 7 a.m. to 12 midnight.

j. DISTANCE FROM SIDE LOT LINE - The building shall be a minimum of 40 feet from the side lot line.

k. FENCING - A permanent screening fence or wall not less than six feet in height shall be constructed along any property line that abuts property zoned for residential use.

l. SIGNS - The provisions of Article XVIII shall apply.

403 AUTOMOBILE REPAIR, BODY AND PAINT SHOPS [B]

a. FENCING - When such use abuts a lot in any residential district, a three foot solid wall, chain link fence, or painted board fence shall be maintained from the edge of road right-of-way to the building line. Whereupon a six foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three feet from the edge of road right-of-way to the building line and a minimum of six feet along the remainder of the property lines.*

b. DISTANCE FROM RESIDENTIAL AREAS - Buildings used for such purposes shall not be nearer than 75 feet from any residential district.

c. REPAIRS - Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.

d. ACCESS - No more than two driveway openings shall be permitted directly from any major thoroughfare nor more than one driveway opening from any minor street, each of which shall not exceed thirty feet in width at its intersection with the property line. No part of any access way shall be nearer than 100 feet to the intersection of any two street right-of-way lines, nor shall any such part be nearer than 50 feet to any side or rear property line.

e. OFF-STREET PARKING - One space for each employee shall be provided in addition to one space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles repaired and to be repaired.

f. STORAGE - No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises.

g. SIGNS - The area of all permanent advertising signs on a building or parcel may have a maximum area of 100 square feet or an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building. The provisions of Article XVIII shall apply.

404 CEMETERIES [AR]

a. ACCESS - The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two points of entry set at 200 feet between center lines.

b. MINIMUM SITE SIZE - 10 acres.

c. BUILDING SETBACK - All burial buildings or accessory buildings shall be set back at least one hundred (100) feet from any edge of road right-of-way bounding the cemetery. The site shall provide two side yards and a rear yard at least 40 feet each.*

d. EXISTING CEMETERIES - Existing cemeteries may continue to operate as a nonconforming use. Any future expansion of an existing cemetery not covered by a conditional use permit must comply with the requirements as set forth above.

e. SIGNS - The provisions of Article XVIII shall apply.

405 DAY CARE CENTER [AR]

a. MINIMUM SITE SIZE - One-half acre up to 10 children plus an additional 200 square feet for each additional child.

b. INTERIOR FLOOR SPACE - No less than 100 square feet per child.

c. YARDS REQUIRED - Side and rear yards shall be a minimum of 50 feet.

d. LOT WIDTH AND DEPTH - A 3 1/2 to 1 ratio of depth to width should be maintained.

e. PLAY AREA - There shall be provided on the site a usable outdoor play area of 75 square feet per child enrolled exclusive of front yard, required side yards, driveways and parking areas.

f. FENCING - The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

g. DEVELOPMENT PLAN - A development plan must be submitted at the time of application for a conditional use permit.

h. SIGNS - The provisions of Article XVIII shall apply.

406 EXTRACTION OF MINERALS AND TOP SOIL [AR]

a. GENERAL REQUIREMENTS - Any owner, lessee or other person having an interest in mineral lands may file with the Board an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements.

b. DISTANCE FROM PROPERTY LINES - No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.

c. DISTANCE FROM PUBLIC RIGHT-OF-WAY - In the event that the site of the mining, quarrying or extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest of any such right-of-way.

d. FENCING - Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.

e. EQUIPMENT - All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

f. PROCESSING - Crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

g. PERFORMANCE BOND - All persons or groups of persons, corporations, or private contractors wishing to extract minerals or top soil from land within Grafton Township shall submit to the Township Trustees a bond for a sum to be determined by the Trustees which shall be held during the operation of the extraction process and for a period not to exceed 365 days after removal of equipment from the site. The condition of this bond shall be that the persons or groups of persons, corporations or private contractors responsible for the extraction process shall faithfully perform all conditions of the zoning regulations as set forth and shall pay anyone who may perform or cause to be performed any work or labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such bond shall be forfeited upon the failure of the persons, groups of persons, corporations or private contractors to comply herewith.

h. APPLICATION--CONTENTS, PROCEDURE - An application for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.

2. Name of the applicant making request for such permit.

3. Name of the person or corporation conducting the actual removal operations.

4. Location, description and size of the area from which the removal is to be made.

5. Location of processing plant to be used.

6. Type of resources or materials to be removed.

7. Proposed method of removal and whether or not blasting or other use of explosives will be required.

8. Description of equipment to be used.

9. Method of rehabilitation and reclamation of the mined area.

i. PUBLIC HEARING - Upon receipt of such application, the Board shall set the matter for a public hearing.

j. SIGNS - The provisions of Article XVIII shall apply.

407 FUNERAL HOME [AR - B]

a. SITE SIZE - Minimum site size shall be a lot with a minimum frontage of 200 feet and a minimum depth of 350 feet.

b. ACCESS - The proposed site shall front upon a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.

c. YARDS REQUIRED - Minimum front yard depth shall be one hundred (100) feet. Side yards shall be at least fifty feet in width and the rear yard shall have a minimum depth of fifty (50) feet. All yards to be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article XIX and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

d. AREA COVERAGE - No more than thirty percent of the gross site area shall be covered by buildings, including accessory buildings.

e. APPEARANCE OF BUILDING - All buildings shall be harmonious in appearance with any abutting surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.

f. OFF-STREET PARKING - Off-street parking shall be provided in conformance with the schedule outline in Article XIX. Adequate off-street assembly area for vehicles used in funeral processions area. Parking and assembly areas shall be screened from surrounding residential areas by a fence at least four feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

g. SIGNS - The provisions of Article XVIII shall apply.

a. SITE SIZE AND FRONTAGE - The site shall contain a minimum 35 acres for a par 3 - 9 hole golf course, a minimum of sixty five (65) acres for a nine-hole golf course and one hundred ten (110) acres for an eighteen-hole course.

b. DISTANCE FROM EDGE OF ROAD RIGHT-OF-WAY - All principal and accessory buildings shall be located not less than one hundred feet from the edge of road right-of-way.*

c. ACCESS - Access to and from the site shall be located so as to minimize traffic hazards and congestion. All access drives shall be a minimum of twenty feet in width and constructed of a hard-surfaced material.

d. HEIGHT - No structure shall be erected in excess of thirty-five feet in height.

e. COURSE LAYOUT - Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Board. The Board may request a review by the Lorain County Planning Commission, if desired, prior to the issuance of a conditional zoning permit. Such review by the Planning Commission shall be advisory to the Board.

f. DISTANCE FROM RESIDENTIAL AREAS - Buildings and parking areas shall be not less than two hundred feet from any property line of abutting residentially zoned land.

g. SIGNS - All signs shall be located a least twenty feet from all edge of road right-of-ways and seventy-five feet from any abutting residential property lines. No signs shall be greater than three feet in height, and all signs shall be subject to the requirements of Article XVIII.*

h. LIGHTING - Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.

i. PARKING - Ten parking spaces per hole shall be provided in addition to one space per thirty-five square feet of floor area for public assembly. All parking spaces shall be located not less than seventy-five feet from any residential district and fifty feet from the edge of road right-of-way.*

j. FENCING - A minimum of six feet in height shall be provided around all recreation areas (tennis courts, swimming pools and shuffle board courts), thereby permitting access only to members or users of the golf course.

k. RETAIL SALES - Pro-shops and sale of goods incidental to the principal use shall be permitted. The sale of food and beverages shall be permitted if contained within the principal building or structure.

409 HOME OCCUPATION [AR]

An occupation conducted in a dwelling unit or pertinent structure provided that:

a. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding six (6) square feet in area, non-illuminated, mounted flat against the wall of the principal building, and be subject to the requirements of Article XVIII.

d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio

or television receivers off the premises, or causes fluctuations in line voltage off the premises.

410 MINIATURE GOLF COURSE [AR]

a. MINIMUM SETBACK - 100 feet from edge of road right-of-way, with minimum side and rear yards of at least 15 feet each. The course shall be located no closer than 200 feet from any structure used for human occupancy.*

b. LANDSCAPING - The lot shall be so landscaped as to screen the use from adjoining properties.

c. NOISE - Loud speakers which cause a hazard or annoyance shall not be permitted.

d. ACCESS - All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.

e. SIGNS - There shall be no more than one advertisement oriented to each abutting street identifying the activity, and be subject to the requirements of Article XVIII.

f. LIGHTING - No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.

g. HOURS OF OPERATION - Under no condition shall activities continue past 11 p.m.

h. RETAIL SALES - The sale of prepackaged food and beverages and commercial products clearly incidental to the use shall be permitted.

i. PROHIBITED ACTIVITIES - No intoxicating beverages may be sold or permitted. No mechanical amusement devices or games of chance shall be allowed.

j. PARKING - No parking shall be permitted on the public right-of-way. All parking shall be in accordance with Article XIX.

411 MODEL AIRPLANE CLUB [AR]

a. HOURS OF OPERATION - No flying shall be allowed before noon on Sundays.

b. HEIGHT AND AREA RESTRICTIONS - Flying height shall be limited to comply with Lorain County Regional Airport regulations. Planes shall not be flown over adjoining properties.

c. LIABILITY INSURANCE - \$300,000 liability insurance is required.

d. MUFFLERS - Mufflers shall be used on all flying airplanes.

e. NUMBER OF PLANES - No more than two airplanes shall be allowed to fly at the same time.

f. SIGNS - The provisions of Article XVIII shall apply.

412 PARKS AND PLAYGROUNDS [AR]

a. PERMITTED USES - Uses permitted shall be softball or baseball fields, multiple-use paved areas, landscaped areas, picnic areas, playground apparatus areas, and field house.

b. SITE SIZE - The minimum total site size shall be five acres and the minimum total width shall be not less than three hundred feet.

c. ACCESS - A minimum of two access points to the site shall be provided maintaining a distance of 200 feet, center line to center line.

d. PARKING - Ten parking spaces shall be provided for each acre of playground area.

e. SETBACK REQUIREMENTS - Setback requirements for all buildings and accessory structures shall be seventy-five feet from side and rear lot lines and one hundred feet from all edge of road right-of-ways. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty feet from any edge of road right-of-way or side lot line.*

f. LIGHTING - When lighting is provided it shall be shielded from adjacent properties.

g. NOISE - No amplification equipment shall be permitted.

h. RETAIL SALES - The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.

i. DEVELOPMENT PLAN - A development plan must be submitted at the time of application for a conditional use permit.

j. SIGNS - The provisions of Article XVIII shall apply.

413 PLANT NURSERY AND GREENHOUSES [AR FP]

a. MINIMAL SITE SIZE - five acres.

b. PARKING - A minimum of five off-street parking spaces shall be provided or 3.5 square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.

c. SETBACK - Any building or accessory structure shall be set back one hundred feet from any edge of road right-of-way and seventy-five feet from all other property lines.*

d. DEAD PLANT MATERIAL - No burning or storage of dead plant material is allowed.

e. LIGHTING - All outside lighting shall be directed away and shielded from adjacent properties.

f. SPRAYING - When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized. Said spraying operation shall be directed so as to not affect adjacent properties in any way.

g. IRRIGATION - When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.

h. SIGNS - The provisions of Article XVIII shall apply.

414. OIL & GAS WELLS [AR]

Oil and gas wells must comply with all State requirements.

415 RECREATIONAL CAMPGROUNDS [AR FP]

a. AREA - No campground shall be developed on a lot of less than ten acres. The minimum campsite shall contain 1500 square feet. No campsite shall be located on land having a slope in excess of 20 per cent. Each recreational vehicle or portable camping unit in a recreational vehicle park, recreational camp, combined park-camp or temporary park-camp shall be placed upon the site so as to provide not less than 15 feet distance between the side of any recreational vehicle and the side of any other recreational vehicle or portable camping units located on an adjacent site. There shall be ten feet distance between the end of any recreational vehicle and any other recreational vehicle or portable camping units located on an adjacent site, and ten feet distance between portable camping units located on adjacent sites. All weather parking areas shall be provided.

b. SETBACK - Recreational halls, stores, public gathering places shall be located no closer than 300 feet from the edge of road right of way and 200 feet to the side or rear lot line. Cabins shall be located no closer than 300 feet from the edge of road right-of-way and a minimum of 100 feet from the side or rear lot lines.*

c. SANITATION - All current State and County regulations shall apply.*

d. SOLID WASTE STORAGE AND COLLECTION - All current State and County regulations shall apply.*

e. WATER SUPPLY REQUIREMENTS - All current State and County regulations shall apply.*

f. FIRE PROTECTION - The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department that serves this area.

g. PROHIBITED ACTIVITIES - No intoxicating beverages may be sold. No gambling permitted.

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h. HOURS OF OPERATION - Under no conditions shall activities continue past 12 p.m. at which time all lights in halls, building, outside areas and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

i. NOISE - Amplification equipment shall be permitted. Radios, televisions, and CD's shall be permitted providing that in the judgment of the zoning inspector these are not operating louder than normally operated in a residence.

j. RETAIL SALES - Retail sales customary to campground operations shall be permitted.

k. PARKING - The following parking space must be provided. Auto - 300 square feet. Optimum space for 3 cars must be provided near each restroom.

l. ACCESS ROADS - All access roads shall be maintained in an all-weather, dust-free condition.

m. SIGNS - A sign shall be permitted provided the area of such sign shall not exceed 16 square feet, and shall be subject to the requirements in Article XVIII.

n. LIGHTING - All outdoor lighting shall be shielded to prevent glare to adjoining properties.

o. OCCUPANCY - No campground shall be used for permanent occupancy or as a mobile home park. No person shall be allowed to occupy a camper for a period longer than 7 months per year.*

p. BATHING BEACHES - Operations shall conform to all Lorain County General Health District Bathing Beach Regulations.

q. RECREATIONAL VEHICLES - Recreational vehicles while parked in a recreational campground do not need to have a current registration plate or sticker.*

416 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING
ARENA [AR]

a. APPLICABILITY - These conditions shall apply where one or more horses are used, kept, or maintained, for commercial leasing or hiring purposes for remuneration.

b. GENERAL - All riding or exercising of horses shall be conducted solely on the premises of said stable, academy or arena. The use of any public road or right-of-way as a part of a stable or riding academy shall be prohibited. All horses

shall be adequately housed and fenced so as to not be a nuisance to adjacent properties.

c. LOT AREA - The lot area required for each horse stabled in a riding stable or academy shall be not less than 1 acre and the minimum lot shall be not less than 5 acres with a lot width of not less than 400 feet.

d. BUILDING LOCATION - All buildings for the riding, showing, housing or keeping of horses shall be located not less than one hundred and fifty (150) feet from the side and rear property lines and two hundred feet from the edge of road right-of-way. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.*

e. ACCESS AND PARKING - Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area a minimum design area of 600 square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be maintained in a dust-free, all-weather condition. Parking areas shall be located no less than one hundred fifty (150) feet from the edge of road right-of-way. Entrance to the site shall be on sufficient width (not less than 24 feet) in order to facilitate entering and leaving the property at the same time.*

f. LANDSCAPING - All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from any abutting residentially zoned property.

g. RETAIL SALES - The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale of incidental products shall be conducted wholly within an enclosed building.

h. LIGHTING - All outside lighting shall be shielded and directed away from adjacent properties.

i. NOISE - No outdoor amplification system shall be permitted.

j. HEIGHT - No building or structure shall exceed 25 feet in height.

k. SIGNS - One sign that serves to identify the use on the premises shall be permitted with a surface area not to exceed 16 square feet and shall be subject to requirements found in Article XVIII.

l. SANITATION - The premises shall be maintained in a sanitary and orderly manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.

m. HOURS OF OPERATION - All activities shall terminate on or before 11 p.m. each day.

n. SITE PLAN - When boarding or keeping more than 3 horses, a proposed site plan drawn to scale shall be prepared showing the following:

1. Location of buildings;
2. Location of property lines and adjacent buildings; Ingress and egress points;
3. Parking areas and driveways;
4. All activity areas;
5. Landscaped buffer areas and the plant material to be used;
6. Drainage plan which includes the topography of the site at 5 foot intervals;
7. All other requirements as set forth in the administration and enforcement section of the Zoning Resolution.

417 ROADSIDE STANDS [AR]

a. GENERAL - Roadside stands shall be used for the sale of products grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non-growing season.

b. SETBACK - Said use shall be set back 20 feet from any right-of-way side line.

c. PARKING - Adequate off-street parking shall be provided for a minimum of 4 vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of

operation. Off-street parking areas shall be maintained in an all-weather, dust-free condition.

d. SIGNS - The provisions of Article XVIII shall apply.

418 SALVAGE YARDS [LI]

a. FENCING - All outdoor storage areas shall be screened or fenced with a solid fence at least 8 feet in height. Said fence shall be maintained in sound condition, painted and presenting a neat and inconspicuous appearance. In addition, the use of trees and shrubs shall be encouraged to enhance the outward appearance of said enclosed area. Storage between the street and such fence is strictly prohibited.

b. PARKING - A minimum of two parking spaces plus one parking space per employee in addition to one space for each 100 square feet of retail floor area shall be provided.

c. BUFFER STRIP - All outside salvage or stored material shall be located no closer than 75 feet to the side and rear property lines when located adjacent to a nonresidential district and a 200 foot transition area measured from the fence to any residential district boundary shall be maintained. Such strip shall be planted with trees, grass and shrubs.

d. SITE SIZE - A minimum of two acres shall be provided.

e. FRONT YARD - A front yard of 100 feet from the edge of road right-of-way shall be maintained. Said front yard shall be planted with trees, grass and shrubs.*

f. HEIGHT - No material shall be stocked above the fence height, except the movable equipment used in the operation.

g. OPEN BURNING AND INDUSTRIAL PROCESSES - No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted within a completely enclosed building.

h. DEVELOPMENT PLAN - A development plan shall be submitted at the time of application showing: building location, location of accessory building, fence location, fence type and specifications, planting plan, parking area and street access point or points, all drawn to scale.

i. SIGNS - The provisions of Article XVIII shall apply.

419 SANITARY LANDFILL

Considered a nuisance and is not permitted in Grafton Township.

420 SERVICE STATIONS [B]

a. FRONTAGE - A minimum frontage on the primary street of two hundred (200) feet is required.

b. BUILDING SETBACK - A minimum setback of 100 feet from all edge of road right-of-ways is required. A 15 foot unobstructed buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.*

c. REAR YARD - A minimum rear yard of 75 feet is required where the use abuts a residential area or 40 feet where the use abuts a nonresidential area.

d. SITE - A minimum of 2 acres is required.

e. LOT COVERAGE - A maximum lot coverage of 20% shall be permitted.

f. ACCESS - Maximum width of curb openings for stations should not be more than 35 feet or less than 20 feet. No driveway or curb cut for a driveway shall be located within 10 feet of any adjoining property line or within 20 feet of an exterior (corner) lot line as extended. Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of 20 feet from the right-of-way line. The angle of the intersection of the center line of the driveway with the center line of the street shall be not less than 60 degrees.

g. FENCING AND LANDSCAPING - Any unpaved areas of the site shall be landscaped or maintained in a dust free condition and separated from the paved areas by a curb or other barrier. When such use abuts a lot in any residential district, a 3 foot solid wall, chain link fence, or painted board fence shall be maintained from the edge of road right-of-way to the building line. Whereupon a six foot solid wall, chain link fence, or painted board fence from the building line along the remainder of the property lines shall be maintained. In addition, a row of shrubs shall be incorporated which will attain a maximum height of three feet from the*

edge of road right-of-way to the building line and a minimum of six feet along the remainder of the property lines.*

h. There shall be one parking space for each two gasoline pumps and two for each service bay plus one for each employee and one for each restroom provided.

i. LIGHTING - Exterior lighting shall be shielded from adjacent properties to prevent possible glare.

j. SERVICE EQUIPMENT - Gasoline pump islands, compressed air connections, and other equipment shall be set back a minimum of 30 feet from any edge of road right-of-way. Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be enclosed entirely within a building.*

k. OUTDOOR STORAGE OF VEHICLES - Under any and all conditions, outdoor storage of vehicles shall be limited to 72 hours.

l. SIGNS - The provisions of Article XVIII shall apply.

421 VETERINARY HOSPITALS OR KENNELS [AR - B]

a. PARKING AND ACCESS - Parking shall be provided for a minimum of four car and trailer combinations. Five hundred square feet shall be the minimum required parking and access area for each car and trailer or van combination. Three hundred square feet shall be required for parking and access space for each vehicle.

b. RUNWAYS, EXERCISE AREAS - All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six foot woven chain link fence, maintained in a clean orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.

c. BUILDINGS AND ENCLOSURES - The main building and any buildings housing animals shall be no closer than one hundred feet from any other lot in any district. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred feet from any property line.

d. MANURE PILES - Manure piles shall be disposed of daily in a sanitary, nonodorous condition. Open manure piles shall not be permitted.

e. LIGHTING - All outside lighting shall be shielded from adjacent properties.

f. RETAIL SALES - The sale of incidental products is permitted.

g. VICIOUS AND/OR DANGEROUS DOGS - The confining of vicious dogs and/or dangerous dogs in a kennel shall meet the following:

1. DEFINITION:

The term "vicious dog" and "dangerous dog" have the same meaning as provided them in section 955.11 of the Ohio Revised Code.

2. BUILDINGS, ENCLOSURES, RUNWAYS, AND EXERCISE AREAS:

The main building and any building housing vicious or dangerous dogs shall be no closer than one hundred feet from any other lot in any district. Runways and kennels or outside exercise areas shall be no closer than one hundred feet from any property line. All enclosures, runways, kennels and outside exercise areas shall have a minimum height of six feet. The sides shall be a minimum of 9 gauge woven chain link fencing with a minimum of 7 gauge lower tension wire around the entire lower structure. The bottom shall be secured to its sides or shall be embedded to at least one foot into the ground. All openings shall include locked gates. All exercising of vicious or dangerous dogs shall be conducted solely within the confines of the specified enclosed runways, kennels, or outside exercise areas. Enclosures, runways, kennels, and outside exercise areas shall be maintained in a clean, orderly, and sanitary condition and free from any condition that would menace the health of the vicious or dangerous dogs enclosed therein.

h. SIGNS - The provisions of Article XVIII shall apply.

422 INDOOR SELF SERVICE MINI STORAGE FACILITY [B]

- a. Minimum lot area - Two (2) acres.
- b. Building setback, side yard - Twenty five (25) feet.
- c. Building setback, rear yard - Forty (40) feet.
- d. Building setback, front yard - One hundred (100) feet from edge of road right-of-way.*
- e. Lighting - All outside lighting shall be directed away from adjacent properties.
- f. No outside storage including trucks, vehicles, autos, trailers, boats, mobile homes shall be permitted.
- g. No storage of illegal, toxic or hazardous materials.
- h. Signs shall meet the provisions of Article XVIII.

423 PLANNED SHOPPING CENTERS [B]

Business groupings including five or more of the uses listed in this section.

- a. Department store
- b. Variety store
- c. Clothing and apparel store
- d. Yard goods store
- e. Furniture store
- f. Household appliance store
- g. Radio, television or music store
- h. Electrical supply store
- i. Paint, glass and wallpaper store
- j. Jewelry store
- k. Optical goods
- l. Hobby shop
- m. Toy shop
- n. Camera and photography store
- o. Bank
- p. Any of the permitted uses in a B District
- q. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- r. Preparation and processing of food and drink products to be retailed on the premises.
- s. Service Station subject to Article IV, Section 420.

t. Church and other buildings for the purpose of religious worship subject to Article III, Section 309.01.

423.01 LOT REQUIREMENTS

a. Neighborhood Shopping Center (4 acres) - Sale of convenience goods and personal services (leading tenants - super market and drugstore - 5 to 20 stores).

b. Community Shopping Center (10 acres) - Same functions of the Neighborhood Center plus sale of shopping goods e.g. wearing apparel, appliances, etc. (leading tenants - variety store and small department stores - 15 to 40 stores).

c. Regional Shopping Center (30 acres) - Same functions of Community Center plus sale of general merchandise, apparel, furniture, etc. (leading tenants one or more large, major department stores - 40 to 80 stores).

423.02 YARD REQUIREMENTS

a. Minimum Front Yard Depth - one hundred (100) feet.

b. All other yard requirements as follows:
No structure, with the exception of permitted signs, fences, walls, water towers and light standards, shall be located closer to any property line of the shopping center than a distance equal to twice its height but no less than forty (40) feet.

423.03 DEVELOPMENT REQUIREMENTS

Location, Size and Character of Development. The following regulations, conditions and procedures shall apply to the development of shopping centers:

a. The need for the proposed development has been demonstrated by means of market studies and such other evidences as the Zoning Commission may require.

b. The proposed shopping center is located so that direct and adequate traffic access is supplied from principal thoroughfares and where congestion will not likely be created by the proposed center, or where congestion will be alleviated by presently projected improvements of access thoroughfares.

c. The developer shall be required to pay the cost of the construction and installation of improvements on streets abutting the shopping center, including any acceleration and deceleration lanes of traffic channelization devices deemed necessary to control traffic generated by the shopping center.

d. The proposed plan for development of the shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, will fit harmoniously into and will minimize adverse effects upon the adjoining or surrounding development.

423.04 DESIGN REGULATIONS

a. Building heights. No building shall exceed two (2) stories or thirty-five feet in height.

b. Yards and screening. No building shall be less than forty (40) feet distant from any side and rear boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" district by a masonry wall or compact evergreen hedge at least six (6) feet in height. Such wall shall be placed on the lot line and the screening hedge shall be placed at least five (5) feet from the property line.

c. Tract coverage. The ground area occupied by all the buildings shall not exceed in the aggregate thirty-five (35) percent of the total area of the lot or tract.

d. Access drives and illumination of parking areas. Access drives shall be at a minimum interval of 300 feet, and illumination of parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

e. Signs. Each center shall be permitted two (2) free-standing signs not over thirty (30) feet in height with the bottom of the sign sufficiently high to provide adequate traffic visibility, having a maximum total area of 100 square feet and located not closer than ten (10) feet to any edge of road right-of-way and not closer than 100 feet to the adjoining lot line. A single identification pylon or similar structure of a height not in excess of thirty (30) feet and in harmony with the design of the buildings shall be controlled by written agreement between the owners and tenants of the center, to*

avoid excessive advertising and ensure a harmonious appearance to the center as a whole. In a shopping center, all signs shall only be indirectly illuminated, and all signs shall conform to the distance requirements from property lines for the buildings in the center. The provisions of Article XVIII shall also apply where applicable.

f. Lighting. All outdoor lighting shall be accomplished in such a manner that no illumination sources are visible outside the shopping center property line.

g. Transition strips. All planned shopping centers when located in or adjacent to an Agricultural District, a Residential District, or when adjacent to a school, hospital, or other public institution, shall include as an integral part of the site development a strip of land one hundred (100) feet or more in width on all sides except the side fronting on a thoroughfare. No part of such land may be used for any shopping center functions. The strip shall be occupied by plant materials or structural fences and walls, used separately or in combination. The plans and specifications for shopping center development shall include the proposed arrangement of such plantings and structures, and such proposals shall be subject to the approval of the Zoning Commission.

h. Parking Areas and Circulation. All motor vehicle parking areas and interior circulation for motor vehicles shall be designed in accordance with the following requirements and the provisions of Article XIX:

1. Notwithstanding the parking space requirements specified in Article XIX, Section 1919 - there shall be provided four (4) square feet of parking space for every square foot of gross floor area of the aggregate of all building space devoted to retail sales and/or services. For the purposes of this provision, parking areas shall be deemed to include only actual parking spaces and necessary appurtenant drives and vehicular access on the shopping center property.

2. Any individual parking space in the center shall be accessible by clearly demarcated walks from the shopping area. Such walkways shall not intersect with a vehicular way more than once.

3. Automobile, pedestrian, and truck traffic shall be separated to the fullest extent possible.

4. Automobile circulation design shall provide for access to parking areas in such a way that there shall be no backing up of traffic into any external street under conditions of anticipated maximum center-destined traffic.

5. All areas accessible to motor vehicles or pedestrians shall be illuminated.

i. External Access. Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. Further, the owners or developers of the center shall show, to the complete satisfaction of the Zoning Commission, that all access points to an external thoroughfare or street shall be fully capable of absorbing the maximum hourly traffic anticipated to be generated by the center without undue interference to other traffic on the thoroughfare or street.

j. Surface Improvements. All areas accessible to vehicles shall be paved and maintained so as to provide a permanent, durable and dustless surface, and shall be so graded and provided with adequate drainage facilities that all collected surface water is effectively carried away from the site.

423.05 SITE PLAN APPROVAL REQUIRED

To assure that the planned shopping center design and location will not be detrimental to any existing or proposed development in adjacent areas, and that the ingress and egress of vehicles to the shopping center will not intensify traffic congestion, a site plan indicating the site layout with regard to the locations and dimensions of the vehicular and pedestrian entrances, exits, driveways, walkways and vehicular circulation patterns to and from the site, store locations and dimensions, off-street parking spaces, landscaped yards and the location, type and lighting of signs shall be submitted to and approved by the Zoning Commission. Section 310 shall apply in this district.

423.06 MARKET ANALYSIS REQUIRED FOR ZONE CHANGE REQUESTS

A request to develop a shopping center should be evaluated from evidence gathered in a market analysis setting forth economic justifications and needs for the establishment of a center of the type and size proposed by the applicant. This analysis shall be based upon, but not limited to, such factors as the trade area of the community and travel time from

various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities, and other data and analyses which relate to the need for and feasible success and stability of the proposed center.

The purpose of this requirement is to protect the Township from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare.

424 *SMALL MACHINE SHOPS [B]

a. LOT, YARD, BUILDING HEIGHT and PERCENT OF LOT COVERAGE REQUIREMENTS - Shall comply with Section 1104, 1105, 1106 and 1107 under Article XI.

b. FENCING - When such use abuts a lot in any residential district, a three foot solid wall, chain link fence or painted board fence shall be maintained from the edge of road right-of-way line to the building line. Whereupon a six foot solid wall, chain link fence or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of not more than three feet from the edge of road right-of-way line to the building line and a minimum of six feet along the remainder of the property lines.

c. MAXIMUM SQUARE FOOTAGE - Maximum square footage of a small machine shop building shall be 5,000 square feet.

d. WORK AREA - All work shall be performed inside the building.

e. ACCESS - No more than two driveway openings shall be permitted directly from any federal or state route nor more than one driveway opening from any county or township road, each of which shall not exceed thirty feet in width at its intersection with the edge of road right-of-way line. No part of any access way shall be nearer than 100 feet to the intersection of any two edge of road right-of-way lines, nor shall any such part be nearer than 20 feet to any side or rear property line.

f. OFF-STREET PARKING - One parking space for each employee shall be provided in addition to one parking space for each 1,000 square feet of floor space. Minimum number of parking spaces shall be 5.

g. OUTSIDE STORAGE - No overnight or weekend outside storage of materials, goods or products, machines or machine parts shall be permitted on the premises. Storage trailers, containers or PODs are prohibited.

h. SIGNS - The provisions of Article XVIII shall apply.

i. NUMBER OF EMPLOYEES - The maximum number of employees shall be limited to 12.

j. PERFORMANCE STANDARDS - No equipment or process shall be used in the operation of the machine shop which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. The provisions of Article XII, section 1212, paragraph f. shall apply.

**ARTICLE V
ESTABLISHMENT OF DISTRICTS**

501 PURPOSE

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

502 DISTRICTS

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

AR Agricultural Residential District
B Business District
LI Light Industrial District
FP Flood Plain District

503 ZONING MAPS

The boundaries of the districts are hereby established as shown on a map entitled, "The Official Zoning Map of Grafton Township" adopted on June 09, 2005 and certified by the Clerk, which map accompanies this Zoning Resolution and which map together with all notations, references and other information shown thereon is hereby made part of this Zoning Resolution

504 INTERPRETATION OF DISTRICT BOUNDARIES

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

a. Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be considered to be such boundaries.

b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be considered to be said boundaries.

c. Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

e. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.

f. In unsubdivided property, the district boundary lines on the map accompanying and made part of the Zoning Resolution shall be determined by dimension notes of the map, or by the use of the scale appearing on the map.

**ARTICLE VI
RESIDENTIAL DISTRICT REGULATIONS
AGRICULTURAL RESIDENTIAL [AR]**

601 PURPOSE

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

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

602 PERMITTED USES

Agriculture (Farms)
Single family dwellings
Duplexes and two family dwellings
Accessory buildings incidental to the principal use
Which do not include any activity conducted business.
Greenhouses as an accessory building to a homeowner
Water impoundment facilities
Churches
Public and Parochial Schools

603 CONDITIONALLY PERMITTED USES

Cemeteries (See Section 404)
Customary Home Occupations (See Section 409)
Day Care Centers (See Section 405)
Extraction of minerals and top soil (See section 406)
Funeral Homes (See Section 407)
Golf Courses (See Section 408)
Miniature Golf Courses (See Section 410)
Model Airplane Clubs (See Section 411)
Parks and Playgrounds (See Section 412)
Plant Nursery and Greenhouses (See Section 413)

Recreational Campgrounds (See Section 415)
Riding, Boarding and Show Stables (See Section 416)
Roadside Stands (See Section 417)
Veterinary Hospital or Kennels (See Section 421)

604 LOT REQUIREMENTS

a. Farm Minimum Area -- see definition.

b. Minimum Single Family, Duplex/Two Family, and Accessory Building Lots shall conform to the following:

Note - Duplex & Two Family requirements shown in brackets [].

1. A continuous and constant minimum 200 [300] foot width starting from the front lot line and extending a minimum of 350 feet. Frontage to be 200 [300] continuous feet on dedicated highways/roadways.

2. The width of a lot shall not be reduced to less than 200 [300] feet at any point from the front lot line to the 350 foot location from the front lot line.

3. The length of a lot shall not be reduced to less than 350 feet at any point from one side lot line to the opposite side lot line.

4. The length or width of any lot shall not be reduced from the minimums along and between the appropriate lot lines.

605 YARD REQUIREMENTS

a. Minimum Front Yard Depth - one hundred (100) feet for all federal or state highways; eighty (80) feet for all other roads measured from the edge of road right-of-way.*

b. Maximum front yard depth -- 1000 feet measured from the edge of road right-of-way.*

c. Minimum Rear Yard -- fifty (50) feet.

d. Minimum Side Yard Width -- fifteen (15) feet with total side yard not less than thirty (30) feet.

e. All accessory structures not attached to the principle structures shall be set back 20 feet further from the edge of road right of way than the principle building and not less than (15) fifteen from the side and/or rear lot lines. No vehicle, trailer (box, soft sided or mobile home) or shipping container may be used as an accessory building in any zoned district in Grafton Township.*

606 MAXIMUM BUILDING HEIGHT

No residential building or accessory buildings shall be erected or structurally altered to exceed thirty five (35) feet in height.

607 CONVERSION OF EXISTING SINGLE FAMILY UNITS

A single family home may be converted to a two family home provided that it meets the lot and area necessary for each family's off-street parking and yard requirements in addition to the sanitary regulations for two families.

608 REQUIRED MINIMUM LIVING AREA*

All measurements shall be taken from the outside perimeter of the building.

- a. Single family dwelling - 1400 square feet.
- b. Two family dwelling - 1400 square feet each unit.

609 DWELLING UNIT, ACCESSORY*

- a. Allowed Accessory Dwelling Units - No more than one accessory dwelling unit shall be allowed per each single family dwelling.
- b. Allowed facilities - Bedrooms, bathrooms, kitchen, laundry room, recreation room and any other features typically found in a residence.
- c. Attachment - The accessory dwelling unit shall be connected to the main heated living area of the dwelling by a common wall.
- d. Size - Maximum square footage shall be less than 1400 square feet with no minimum

- e. Access from Residence to Accessory Dwelling Unit - Primary access to the accessory dwelling unit shall be provided by means of a minimum 36 inch door in the common wall between the primary dwelling and the accessory dwelling unit.
- f. Appearance - There shall be no changes to the exterior of the single family residence which gives an appearance that the building is anything other than a single family dwelling.
- g. Occupation Requirements - Family members, Caregivers and Property Owners.
- h. Health District/Building Department - Approval is require as per Section 307.05, page 3.
- i. Metered Utilities - Separate metered utilities are prohibited.

610 FARM ANIMAL BUILDINGS

The OHIO REVISED CODE 519.21 shall be applied in any area consisting of 15 contiguous lots of 1 thru 5 acres, the setbacks for structures housing farm animals and/or storage or use of manure or odor or dust producing substance shall be (80) feet from side lot lines and eighty (80) feet from rear lot line.

ARTICLE XI
BUSINESS DISTRICT REGULATIONS
BUSINESS DISTRICT [B]

1101 PURPOSE

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

It is the intent to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the Township. Typically, such planned centers are located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The group of store units which make up such a center may range in size and type from the relatively small neighborhood shopping center, catering to the daily needs of immediate residential neighborhoods, to the large type of shopping center furnishing a wide range of consumer goods and services.

The unique and changing characteristics of this type of business activity call for standards and procedures which cannot be adequately covered by any one of the customary business district classifications. In recognition of these unique characteristics, the requirements of this district have been designed to provide for the flexible application of protective standards so that an efficient, attractive and pleasing shopping environment can be created for both the businessman and the customer. The standards and procedure set forth within the regulations for this district are also intended to promote safe and convenient access to shopping business facilities by the automobile conveyed customer and to avoid and minimize undue traffic congestion or other adverse effects upon property within adjacent districts.

1102 PERMITTED USES

Antique store
Automobile accessory store
Automobile-Truck-Travel sales lot
Bakery (goods for sale on premises only)
Bank (branch office)
Bar, grill, cocktail lounge, state liquor store
Barber and beauty shops
Bicycle repair shop
Billboards and signs, subject to the provisions of Article 18
Boat and sporting goods store
Bookstore
Bowling alley, provided that building used for such purpose is at least 100 feet from any residential district
Cafe
Churches
Clinics, medical and dental
Clubs (swimming, YMCA, etc.)
Computer, computer related hardware & software, sales, service
Convenience food stores
Dairy products store (no bottling or drive-in types permitted)
Delicatessen
Discount stores (variety, drugs, etc.)
Doughnut shop
Drive-in banks
Drive-in ice cream store
Drive-in restaurants
Drugstore
Dry cleaning, custom and self-serve
Egg and poultry store (no killing of fowl on premises)
Exterminator service
Farm, fruit and produce stands
Farm implement sales
Food and grocery stores
Food lockers
Garden and nursery centers
Gift, novelty and souvenir stores
Hobby and toy stores
Jewelry stores
Laundry, custom and self-serve
Lawn mower, sales and service
Monument sales, provided cutting is done in an enclosed building

Motels, tourist cabins and courts
Motorcycle sales and service
Pet store, supplies
Photographic studio
Photostatting, printing, publishing
Restaurants
Supermarkets
Tailor shop, including pressing
Travel Trailer and pickup coach sales and services

1103 CONDITIONALLY PERMITTED USES

Automobile automatic wash stations (See Section 402)
Automobile repair, body and paint shops (See Section 403)
Funeral Home (See Section 407)
Indoor self service mini storage facility (See Section 422)
Service stations (See Section 420)
Veterinary hospital or kennels (See Section 421)
Planned Shopping Centers (See Section 423)
Small machine shops (See Section 424)*

1104 BUILDING HEIGHT

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

1105 REQUIRED LOT AREA

The lot area shall be not less than 350 feet deep and with at least 200 feet of frontage.

1106 YARDS REQUIRED

a. FRONT YARD - Setback 100 feet from the edge of road right-of-way. A 20-foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.*

b. REAR YARD - Minimum 40 feet.

c. MINIMUM SIDE YARDS -- 15 feet where there is no rear access to the property.

d. SIDE YARDS ABUTTING A RESIDENTIAL AREA - A 75 foot unobstructed buffer strip suitably landscaped.

e. ACCESS WAYS - The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than 2 access ways to any street or highway with a 45 foot separation between center lines. The width of the access way leading to or from a highway shall be not less than 20 feet nor shall it exceed 36 feet.

1107 PERCENTAGE OF LOT COVERAGE

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

1108 SUBMISSION OF PLANS

The provisions of Section 310 shall be in full force and effect in this District.

ARTICLE XII
LIGHT INDUSTRIAL DISTRICT REGULATIONS
LIGHT INDUSTRIAL [LI]

1201 PURPOSE

The purpose of the light Industrial District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

1202 PERMITTED USES

Any of the following uses, or those of a like or similar nature, if conducted within an enclosed building or or within an area enclosed on all sides with a solid wall or uniformly painted fence not less than (8) feet high:

1202.01 PUBLIC UTILITIES

Public utilities whether owned and operated municipally or privately.

1202.02 HELIPORTS

1202.03 GENERAL SERVICES

General services, sales and storage establishments if conducted wholly within enclosed buildings to the following extent:

a. Cleaning establishments: commercial laundries, dyeing, dry cleaning plants, carpet cleaning, towel supply and auto wash, provided the entire waiting line is accommodated on the lot;

b. Food and drink preparation: bakeries, canning, freezing, refrigeration, roasting, ice manufacturing, bottling works and creameries;

c. Repair and sales establishments: automobile engines, body and paint; busses, trucks, machinery; electrical and household appliances;

d. Shops and offices of contractors: carpentry, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, ornamental iron, roofing and sheet metal, packing and crating and monument works;

e. Storage yards and sale of new lumber and other building materials, public utility materials and equipment;

f. Warehouses, other storage establishments and parcel delivery stations, providing loading and off-loading facilities are entirely within an enclosed building;

g. Veterinarians' offices, animal hospitals and kennels.

1202.04 RESEARCH AND DEVELOPMENT

a. laboratories: The experimental research and testing of all types of basic and applied research of product design and development within enclosed buildings, including, but not limited to, the construction and operation of small-scale experimental and pilot plant operations;

b. Production and product assembly operation: The production and/or assembly of products which have a high value in relation to bulk, such as:

1. Electrical and electronic equipment, motors;
2. Electrical appliances, lamps, fixtures and clocks;
3. Hardware, cutlery, kitchen utensils;
4. Musical and scientific instruments;
5. Medical, orthopedic and photographic instruments and equipment;
6. Sporting goods, athletic equipment, toys;
7. Clothing and other textile products;
8. Pharmaceutical products, compounding or cosmetics, drugs, toiletries;
9. Extrusion, molding and fabricating of plastic panels, sheets, tubes and rods;
10. Printing, publishing and engraving;
11. Computers, computer peripherals and networking hardware.

1202.05 ADULT USES/SEXUALLY ORIENTED BUSINESSES

a. Intent and Purpose

The Grafton Township Zoning Commission and the Township Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult use/sexually oriented businesses on the neighborhoods and areas in which those businesses are located.

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

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

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

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

The Grafton Township Zoning Commission and Township Trustees desire to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizens, protect the citizens from increased crime, prevent the spread of sexually transmitted diseases, preserve the quality

of life, preserve the property values and the character of surrounding neighborhoods and deter the spread of urban blight.

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

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

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

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

b. Definitions:

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

1. "Adult uses/sexually oriented businesses" means any of the following: Adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio or sexual encounter center.

2. "Specified sexual activities" means any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, sodomy or

(c) excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above.

3. "Specified anatomical areas" means:

(a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered or

(b) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above top of the areola.

4. "Nudity" or "nude" means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, any costume, or covering that gives the appearance of or simulates any of these anatomical areas.

5. "Semi-nudity" or "semi nude" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing, provided that the areola is not exposed in whole or part.

6. "Covering" means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

7. "Parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

8. "Employee" means a person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature or performing functions on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises or for the delivery or goods to the premises.

9. "Adult arcade" means any place to which the public is permitted or invited where either or both of the following are available:

- (a) motion picture machines, projectors, video or laser disc players or other video or image producing devices run via coin, token, or any other form of consideration, to show images to five (5) or fewer persons per machine at any one time or
- (b) live entertainment in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

10. "Adult bookstore," "adult novelty store," or "adult video store" means a business establishment which, as one of its principal business purposes, offers for sale or rent for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or visual representations that are characterized by the depiction or description on specified sexual activities or specified anatomical areas or
- (b) instruments, devices or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.

11. A business establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if:

- (a) such business establishment devotes more than 15 percent of its total floor area to such sales or rentals,
- (b) such business establishment devotes more than 15 percent of its product display space to such sales or rentals or
- (c) on an annual basis, more than 15 percent of the gross revenues generated by such business establishment are attributable to such sales or rentals. A business establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified anatomical areas or materials designed for use in connection with specified sexual activities and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such a business establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas or are designed for use in connection with specified sexual activities.

12. "Adult cabaret" means a nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers features:

- (a) persons who appear in a state of nudity or semi-nudity;

(b) live entertainment characterized by the depiction or description of specified anatomical areas or

(c) live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators or similar entertainment.

13. "Adult motel" means a hotel, motel or similar commercial establishment that:

(a) offers accommodations to the public for any form of consideration and 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 sex-oriented type of photographic reproduction;

(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 sublet the room for a period of time that is less than ten (10) hours.

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

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

"Nude model studio" does not include:

(a) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;

- (b) a private college or university that offers educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or
- (c) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class and where no more than one nude or semi-nude model is on the premises at any one time.

16. "Sexual encounter center" means a business or commercial enterprise that offers for any form of consideration:

- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

c. BUFFER REGULATIONS

Adult use/sexually oriented businesses as defined in this Zoning Resolution are permitted only in a Light Industrial District, provided further that no adult use/sexually oriented business as defined in this Zoning Resolution shall be operated or maintained within:

1. Three hundred (300) feet from any parcel of land which is zoned residential or from any other existing adult use/sexually oriented business.
2. One thousand (1000) feet from any parcel of land on which a church, public library, public or private educational facility that serves persons under 18 years of age, elementary school, public park or playground or state-licensed day care facility.
3. For the purpose of this section, the measure of distance shall be from the outer most wall of the structure or proposed structure of the new, Adult Use/Sexually

Oriented Business that is nearest to the existing Adult Use/Sexually Oriented Business, to the property line of the existing Adult Use/Sexually Oriented Business, along the shortest possible course, without regard to intervening structures or objects, regardless of any customary or common route or path of travel.

4. For the purpose of this section, the measure of distance shall be from the outer most wall of the structure or proposed structure of the Adult Use/Sexually Oriented Business that is nearest to the applicable sensitive use, to the property line of the applicable sensitive use, along the shortest possible course, without regard to intervening structures or objects, regardless of any customary or common route or path of travel.

1202.06 SIMILAR MAIN USES PERMITTED

Any other service, wholesale, storage or manufacturing use not listed or in any use classification of a subsequent district if considered and found to be similar by the Zoning Commission.

1202.07 ACCESSORY USE PERMITTED

a. Storage of materials and products within buildings and processes clearly accessory to the main use, provided that such a use has no injurious effect on adjoining Residential District;

b. Signs; industrial, project, real estate, identification and directional, as set forth in Article XVIII of this Zoning Code.

1203 CONDITIONAL PERMITTED USE

Salvage Yards (See Section 418)

1204 BUILDING HEIGHT

The maximum height of any building at each of the building lines shall be no more than fifty (50) feet.

1205 LOT REQUIREMENTS

1205.01 MINIMUM LOT AREA AND LOT WIDTH

Every lot in a Light Industrial District shall contain a minimum area of two (2) acres and a lot frontage and width of two hundred (200) feet.

1205.02 CORNER LOTS

The buildings setback on corner lots shall be one hundred (100) feet from both edge of road right-of-ways. The remaining yards shall conform to the provisions contained in this Resolution.*

1206 YARD REQUIREMENTS

a. Front yard - The minimum setback building line shall be one hundred (100) feet from the edge of road right-of-way, and shall be appropriately landscaped and maintained. Such minimum space shall remain open and unoccupied by any principal or accessory building or use other than driveways and sidewalks.*

b. Side yards - There shall be two (2) side yards, each having a width of not less than twenty five (25) feet as measured from the side lot line to the nearest point of any structure. Where the lot abuts any residential district there shall be a side yard buffer strip of one hundred (100) feet on the side abutting the residential district. Such space abutting the residential district shall be appropriately landscaped and maintained. Such space shall remain open and unoccupied by any principal or accessory building or use.

c. Rear yards - There shall be a rear yard of not less than seventy five (75) feet. Rear yards used for parking shall be appropriately surfaced with a desirable dust free material and shall be grated and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately landscaped and maintained and shall remain open and unoccupied by any principal or accessory building.

1206.01 HELIPORT YARD REQUIREMENTS

In addition to the yards provided herein, any heliport or part thereof lying wholly within a Light Industrial District shall provide peripheral strips, no less than one hundred (100) feet wide, interior from all building lines and no structures above surface yard improvements or vegetation above a level of eight (8) inches above ground shall be permitted thereon. The interior lines of such peripheral strip shall constitute the building lines of such heliports. All approach strips, landing pads and other facilities shall meet minimum requirements

specified by the Federal Aviation Agency or other applicable agencies governing safe operation and procedure for aircraft.

1207 PERCENT OF LOT COVERAGE

No more than forty (40) percent of the lot area shall be covered by any main and accessory buildings.

1208 SUBMISSION OF PLANS

The provisions of Section 310 shall be in full force and effect in this district.

1209 LANDSCAPE REQUIREMENTS

a. Each and every business establishment must maintain the following: lawns mowed once a week during mowing season, generally from April through October, all shrub beds to be mulched and weed free, all areas such as graveled areas, drives, sidewalks and around trees to be weed free.

b. A landscape plan must be submitted to the Zoning Commission for approval for all areas as to size, quality and kind of trees and shrubs - deciduous and evergreen - before any development can begin.

1210 OUTDOOR PRODUCTION AND STORAGE

All business, production, servicing, processing and storage shall take place within completely enclosed buildings, except as may be shown on site plans approved by the Zoning Commission. Where approved by the Commission outdoor storage shall be permitted only as an accessory use and shall be incidental and subordinate to a principal use permitted in the Light Industrial District, subject to the following:

a. Outdoor storage shall be screened from view from all streets and from adjacent residential districts. Screening may include building walls, solid fences, mounds landscaping or any combination thereof which forms a year-round solid screen.

b. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in closed containers designed for that purpose.

1211 PARKING AND LOADING (See Article XIX)

Parking and loading areas shall not occupy any part of a required front yard in a Light Industrial District. Except that parking and loading may be located in one of the front yards on a corner lot.

1212 PERFORMANCE STANDARDS

Any assembly, production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products within a Light Industrial District shall be conducted so as not to create odor, dust, noise, vibration, smoke, glare, radiation or electromagnetic interference in amounts greater than those permitted by appropriate Federal, State and County standards.

a. Noise. All uses in the Light Industrial District shall comply with the following noise standards:

Maximum Permissible Sound Levels Receiving Land Use. No person shall operate, cause to be operated or permit on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category when measured at or within the property boundary of the receiving land use.

Sound Level Limits (dBA) by Receiving Land Use

Receiving Land Use Category	Time	(dBA)
Light Industrial Zoning Districts	At all times	70
Residential Zoning Districts	6:30 a.m.-9:00 p.m.	60
Residential, Public, Open Space or Institutional	9:00 p.m.-6:30 a.m.	50

b. Glare. All exterior lighting and all lighting or glare resulting from industrial processes shall be installed and/or shielded in such a manner that the lighting source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential district.

c. Electromagnetic Interference. Electromagnetic interference with radio and television reception is prohibited.

d. Vibration. All uses shall cause no inherent and recurring generated vibration perceptible without instrumentation at any point along the boundary of the Light Industrial District.

e. Odor. The release of materials capable of becoming odorous either by bacterial decomposition or chemical reaction in amounts perceptible at the property line shall be prohibited. any process which may involve the creation or emission of any odors shall be provided with a secondary system so that control will be maintained if the primary system should fail.

f. Hazardous Materials. It is the intent of Grafton Township to limit the manufacture, processing, generation, storage or other use of hazardous materials in order to preserve the health and safety of persons both near the Light Industrial District as well as those who are employed within the Light Industrial District. Toward that end, all uses which employ hazardous materials are subject to the following:

1. Uses which employ hazardous materials classified in the H-1 or H-3 Use Group, as defined in Chapter 3 of the Ohio Basic Building Code (OBBC), shall be permitted, subject to the following:

- (a) Buildings with gross floor areas of 50,000 square feet, or less, shall have no more than 10 percent of the gross floor area so classified by the OBBC and
- (b) Buildings with gross floor areas of more than 50,000 square feet shall have no more than 5 percent of the gross floor area so classified by the OBBC.

2. Uses which employ chemicals which are health hazards as defined and classified in the H-4 Use Group by Chapter 3 of the OBBC shall be prohibited.

3. The above limitations or prohibitions on use of hazardous materials shall also apply to outdoor storage, subject also to the outdoor storage requirements in Section 1210.

1212 SIGNS

The provisions of Article XVIII shall apply.

a. Be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of the flow of water. Such design may be accomplished by the use of piles, stilts, cantilevers or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner. The foundation and structural supports of buildings and structures shall be so designed to withstand the anticipated level, volume and velocity of the flood waters and to minimize the impeding of the natural free flow of the flood waters.

b. Be constructed under said conditional use permits so as to have minimum first floor elevation of not less than three feet above the established flood plain.

c. Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the flood plain would thereby result.

d. Be designed to accommodate utilities, roads, off-street parking, railroads, dams, rivers, structures and buildings for public or recreational uses, so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

- Golf courses (See Section 408)
- Parks and Playgrounds (See Section 412)
- Plant nursery (See Section 413)
- Recreational campgrounds (See Section 415)

1505 SUBMISSION OF PLANS

The provisions of Section 310 shall apply in this Zone.

1506 TOWNSHIP LIABILITY

Grafton Township shall not incur any liability whatsoever by permitting any use or building within a flood plain within the Township. A notification will be put on all deeds, by the property owners, that are in a flood plain.

ARTICLE XVIII
SIGNS

1801 PURPOSE

To establish a minimum regulation for public and private signs and lights; to encourage signing and lighting and other communications which aid orientation, identify activities, express local history and character or serve other educational purposes; and to reduce conflict between signs and lighting, and the private and public communication systems.

1802 GENERAL

a. Public notices and Christmas display lighting shall be exempted from the requirements of the resolution.

b. Area measurements for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs or symbols.

c. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirements.

d. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved. Signs for conditional uses in any specific "R" District shall not exceed six (6) square feet. Signs for conditional uses in any business, or light industrial district shall be as specified or conform to the requirement for the most similar use in the district in which it is located subject to approval of the Board of Appeals.

e. Notwithstanding any other provisions of this Resolution, signs within six hundred and sixty (660) feet of the Interstate Highway System and Federal Aid Primary shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System, if such laws are more restrictive than the provisions of this resolution, they shall apply. The total area of all free-standing signs, pole signs, or signs projecting beyond building walls shall not exceed three hundred fifty (350) square feet for any individual business establishment or use in any district.

1803 RESIDENTIAL DISTRICTS

a. One sign advertising the sale of products raised or produced on the premises shall be permitted providing it does not exceed sixteen (16) square feet.

b. Real estate signs advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted provided such sign shall not exceed four (4) square feet.

c. Signs for home occupations, professional activities and nonconforming uses, where existing or permitted, shall not exceed six (6) square feet in area in any "R" District.

d. Bulletin boards and signs for a church, school, community or other public or semipublic institution and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed twenty (20) square feet per face.

e. Wall signs pertaining to a nonconforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed sixteen (16) square feet.

f. No building wall shall be used for display of advertising except pertaining to the use carried on within such building.

g. Temporary signs shall be permitted not closer than the highway edge right-of-way line provided no part of the sign is more than 3 feet above ground level. No more than one sign per parcel at a time. Maximum sign area is four (4) square feet. Maximum time is 10 days in a 30 day period.*

1804 BUSINESS DISTRICTS

a. In a business district, each business shall be permitted fascia or wall signs. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building except as specifically permitted within certain districts.

b. The erection of outdoor advertising signs shall be permitted in all business districts provided such signs advertise a bona fide business or service conducted on the premises and the size of the sign shall be limited as provided herein.

c. Free-standing signs serving an individual business or a group of business establishments shall be permitted if they have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any edge of road right-of-way or adjoining lot line.*

d. Pole signs of symbolic design shall be permitted for automobile service stations and other similar business establishments provided:

1. No part of such sign shall project into the right-of-way of any street or highway. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.

2. The maximum area of any one face of such sign located within the front yard shall not exceed fifty (50) square feet.

3. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District nor within twenty (20) feet of the intersecting edge of road right-of-ways of any state or federal highway and major or secondary street.*

1805 LIGHT INDUSTRIAL DISTRICTS

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

1806 SETBACK REQUIREMENTS

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

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

1807 YARD PROVISIONS

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

1808 FLOOD PLAIN ZONE

One sign which shall be at least three (3) feet above ground level to allow for the passage of flood waters may be permitted and shall be set back at least twenty (20) feet from the edge of road right-of-way.*

1809 ALLOWED SIGNS

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

a. Number of signs - Each building may have one building sign oriented to each street on which the premises have frontage, identifying the building as a whole or its predominant use. In addition, there may be an occupancy sign and one pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.

b. Location of signs - No sign shall overhang the public way to within 3 feet of the curb line. No sign, except on a marquee or canopy providing shelter, shall overhang more than 1/3 of the side walk width.

c. No sign shall extend more than 15 feet above record grade or more than 4 feet above the lowest point of the roof of the single story building with which it is associated, whichever is less restrictive, nor above the third floor of a multi-story building, except that motels, hotels, and other transient lodgings may display such signs up to 40 feet above record grade.

d. The top of pedestrian signs shall be no higher than 10 feet above the sidewalk.

e. For other than first floor occupants, occupancy signs shall be located between the second and third floors.

f. Permanent signs on the surface of or inside display windows shall cover no more than 10% of the display window area.

g. Portable signs shall be allowed without permit for a period not to exceed 10 days in any 30 day period provided such signs meet all other requirements of this Resolution.

1810 LETTERING SIZE

a. Building signs shall not employ letters exceeding 8 inches in height in Residential Districts as defined in this Resolution or 18 inches in height elsewhere.

b. Occupancy signs shall not employ letters exceeding 6 inches in height.

c. Pedestrian signs shall not employ letters exceeding 3 inches in height.

1811 ILLUMINATION

a. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.

b. Illuminated signs, including neon signs, shall not produce more than one foot candle of illumination 4 feet from the sign.

c. All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians, or neighboring premises. The marginal increase in light, as measured at any property line other than an edge of road right-of-way shall not exceed one foot candle.*

1812 TEMPORARY SIGNS

The following signs are allowed for a period of up to one year without a permit:

a. Construction signs - one unlighted sign of up to 20 square feet identifying parties involved in construction on the premises where the sign is located; one illuminated sign up to 40 square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertisement of any product. These signs must be removed within 14 days after the completion of the intended activity.

b. Real Estate signs other than in a residential district - one unlighted sign of up to 20 square feet pertaining to the sale, rental, or lease of the premises on which the sign is displayed, to be removed within 14 days after sale, rental or lease.

c. Event signs - unlighted signs of up to 32 square feet displayed on private property and limited to one per each premise announcing a campaign, drive or religious organization, to be removed within 14 days after the event.

d. Temporary displays or signs advocating the election of a candidate or candidates or the passage or disapproval of an issue shall not be governed by the provisions of this Article provided the same are removed within ten days after the completion of the election involved. Failure to remove such signs as required herein shall be deemed a violation of this Resolution.

e. Display window signs - signs on the surface of or inside display windows lighted only by building illumination and covering no more than 20% of the display window area.

1813 PROHIBITED DEVICES

a. No sign or light shall move, flash, or make noise.

b. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection.

c. Any imitation of official traffic signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning" are prohibited.

d. Florescent colors in the yellow to red spectrum are prohibited.

1814 ADMINISTRATION

a. No sign, except those specifically exempted by this Resolution shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as the zoning inspector may require. All signs shall display a tag supplied by the Zoning Inspector as evidence of the permit.

ARTICLE XIX
OFF-STREET PARKING AND LOADING FACILITIES

1901 GENERAL REQUIREMENTS

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

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

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

1902 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in length for sixty (60) degree parking, and twelve (12) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1919 of this Resolution.

1903 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall be minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet.

One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1904 PAVING

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

1905 DRAINAGE

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

1906 MAINTENANCE

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

1907 LIGHTING

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

1908 LOCATION OF PARKING SPACES

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

a. Parking spaces for all detached residential uses shall be located on the same lot as the use for which they are intended to serve.

b. Parking spaces for business, light industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principle use.

c. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

1909 SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

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

1910 REQUIRED TRASH AREAS

All business and light industrial uses that provide trash and/or garbage collection areas, including dumpsters, shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Trustees shall be required.

1911 DISABLED VEHICLES

The parking of a vehicle (ie. car, truck, semi-trailer, truck box, bus, recreational vehicle, boat, or boat trailer) that is disabled, apparently inoperable, junk and/or abandoned within any and all zoned districts for a period of more than two weeks shall be prohibited, unless such vehicle is concealed by means of buildings, fences, vegetation, terrain, or other suitable obstruction as viewed from all sides at ground level.*

1912 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any edge of road right-of-way.*

1913 JOINT USE

Two or more nonresidential uses may jointly provide and use parking space when their hours of operation do not normally overlap.

1914 WHEEL BLOCKS

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

1915 WIDTH OF DRIVEWAYS

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

1916 ACCESS

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

a. ONE WAY TRAFFIC - For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.

b. TWO WAY TRAFFIC - Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.

1917 STRIPING

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

1918 PARKING SPACE REQUIREMENTS

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

TYPE OF USE	PARKING SPACES REQUIRED
1918.01 RESIDENTIAL	
Single family or two family dwelling	Two for each unit.
Apartment hotels, apartments	Two for each unit.
Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	Two for each sleeping room or two for each permanent occupant.
1918.02 BUSINESS	
Automobile service Stations	One for each two gasoline pumps and two for each service bay plus one for each restroom.

Hotel, motels	One per each sleeping room plus one space for each two employees.
Funeral parlors, mortuaries and similar type uses	One for each 100 sq. ft. of floor area in parlors or service rooms.
Retail stores	One for each 250 sq. ft. of floor area.
Banks, financial institutions and similar uses	One for each 200 sq. ft. of floor area.
Offices, public or professional administration or service buildings	One for each 400 sq. ft. of floor area.
All other types of business uses permitted in any business	One for each 300 sq. ft. of floor area.

1918.03 RECREATIONAL OR ENTERTAINMENT

Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 sq. ft. of floor area.
Bowling alleys	Four for each alley or lane plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.
Dance floors, skating	One for each 100 sq. ft. of floor area used for the activity.
Outdoor swimming pools, public or community club	One for each 5 persons plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater.

Auditoriums, sport arenas, theaters and similar uses One for each 4 seats.

1918.04 INSTITUTIONAL

Churches and other places of religious assembly One for each 4 seats.

Hospitals One for each bed.

Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar uses One for each two beds.

Medical and dental clinics One for every 200 sq. ft. of floor area of examination, treating room, office and waiting room.

Libraries, museums, and art galleries One for each 400 sq. ft. of floor area.

1918.05 SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

Elementary and junior high schools Two for each classroom and one for every eight seats in auditoriums or assembly halls.

High Schools One for every ten students and one for each teacher and employee.

Business, technical and trade schools One for each two students.

Colleges and universities One for each four students.

but Kindergartens, child care center, nursery schools and similar uses Two for each classroom not less than six for the building.

1918.06 LIGHT INDUSTRIAL

All types of manufacturing, storage and wholesale uses permitted in any light industrial district	One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
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Cartage, express, parcel delivery and freight terminals	One for every 2 employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.
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1919 GENERAL INTERPRETATIONS

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

a. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Trustees.

b. Fractional numbers shall be increased to the next whole number.

1920 PLOT PLAN REVIEW

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

ARTICLE XX
ADMINISTRATION - ENFORCEMENT

2001 ZONING PERMITS

2001.01 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Inspector. That which does not conform with the provisions of this Resolution shall require a written order from the Board of Zoning Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

2001.02 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one-and one-half (1½) years. At a minimum, the application shall contain the following information:

- a. Name, address, and phone number of applicant.
- b. Legal description of property.
- c. Existing use.
- d. Proposed use.
- e. Zoning District.

f. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations.

- g. Building heights.
- h. Number of off-street parking spaces or loading berths.

- i. Number of dwelling units.
- j. Sanitary permits as per section 307.05.
- k. Copy of building blueprints.
- l. Fee.
- m. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

2001.03 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve, refer, or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within 6 months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

2001.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning permit is issued affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred

twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

2001.05 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and a written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

2003 FAILURE TO OBTAIN A ZONING PERMIT

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

2004 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, or arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Article XXII of this Resolution.

2005 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

2006 SCHEDULE OF FEES, CHARGES AND EXPENSES

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

2007 ZONING AMENDMENTS

2007.01 GENERAL

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

2007.02 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution may be initiated in one of the following ways:

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

2007.03 CONTENTS OF APPLICATION

The application for amendment shall contain at least the following information:

- a. Name, address, and phone number of applicant.
- b. Proposed amendment to the text or legal description.
- c. Present use.

d. Present zoning district.

e. Proposed use.

f. Proposed zoning district.

g. A vicinity map at a scale approved by the Zoning Inspector describing property lines, streets, existing and proposed zoning and such other items as the Zoning Inspector may require.

h. A list of all property owners within, contiguous to, and directly across the street from the parcel (s) proposed to be rezoned and others who may have a substantial interest in the case.

i. A fee as established by the Township Trustees.

2007.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

2007.05 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail to the Highway Director. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the zoning amendment. If the Highway Director notifies the Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township Trustees shall proceed as required by law.

2007.06 PUBLIC HEARING BY THE ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from the Township trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) days, not more than forty (40) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

2007.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission secretary, by at least one publication in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

2007.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission secretary, by first class mail, at least ten (10) days before the date of the hearing, to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted. Such notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and on such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

2007.09 SUBMISSION TO COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the County Planning Commission. The County Planning Commission

shall recommend that approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

2007.10 RECOMMENDATIONS BY THE ZONING COMMISSION

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.

2007.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

Upon receipt of the recommendation from the Zoning Commission the Township Trustees shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

2007.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing shall be given by the Township Trustees by at least one publication in one or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

2007.13 ACTION BY THE TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must do so by a unanimous vote.

2007.14 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Township Clerk a petition,

signed by a number of qualified voters residing in the Township equal to not less than ten percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the zoning resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XXI
ZONING BOARD OF APPEALS

2101 PURPOSE

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

2102 ORGANIZATION AND PROCEDURE

2102.01 APPOINTMENT

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

2102.02 ORGANIZATION AND RULES

a. The Board shall organize annually and elect a chairman and vice chairman from its membership and a secretary who may or may not be a member of the Board. The Board shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.

b. The chairman shall preside at all meetings of the Board. He shall decide on all points of order and procedure unless otherwise directed by a majority of the Board. The chairman may appoint committees deemed necessary to carry out the business of the Board. The chairman may administer oaths and compel the attendance of witnesses. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

c. The vice chairman shall serve in the absence of the chairman. He shall have all the powers of the chairman during his absence, disability or disqualification.

d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.

2102.03 MEETINGS

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. Any persons presenting witness shall be under oath.

2102.04 VOTING

a. All actions of the Board shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.

b. No member of the Board shall vote on any matter in which he is personally or financially interested.

2102.05 MINUTES AND RECORDS

The secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Office and shall be a public record.

2102.06 WITNESSES AND OATHS

The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.

2102.07 DEPARTMENT ASSISTANCE

The Board may call on any applicable County or State agency for assistance in the performance of its duties and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Commission may make an analysis and present a report on any

matter before the Board. Such report shall be considered by the Board at the time of hearing on the matter.

2103 GOVERNING GUIDELINES

a. The Board shall be governed by the provisions of all applicable state statutes, local laws, regulations and rules set forth herein.

b. The Board shall become familiar with all enacted resolutions and laws of Grafton Township under which it may be expected to act as well as with applicable state enabling legislation.

c. The Board shall become familiar with the community goals, desires and policies. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances or the settling of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

2104 JURISDICTION AND POWERS

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

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.

b. To hear and decide on such conditional uses as the Board is specifically authorized to pass on by the terms of this Resolution.

c. To hear and decide upon application for variances under the terms provided in this Resolution.

d. To interpret the provisions of the Zoning Resolution or Map where there is doubt as to meaning or application. The Board shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.

e. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto or by the general laws as set forth in the Ohio Revised Code as amended.

f. The Board shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance or conditional use as defined in this Article.

2105 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

2105.01 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

2105.02 FEES - See Section 2006.

2105.03 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, with a notice to the Zoning Inspector from whom the appeal is taken.

2105.04 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution

as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

2105.05 APPLICATION AND STANDARDS FOR APPEALS AND VARIANCES*

A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is obtained from the Zoning Inspector and sent to the Board of Zoning Appeals containing:*

- a. Name, address, and phone number of applicants.
- b. Legal description of property.
- c. Description of nature of variance requested.
- d. Names and addresses of all property owners who are adjacent to and across the street from the property that the variance is being applied for.
- e. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - f. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - g. That a literal interpretation of the provisions of this Resolution would deprive the applicant of right commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - h. The special conditions and circumstances do not result from the action of the applicant.
 - i. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

2105.06 Conditions For Granting Variances

a. Use Variances - "unnecessary hardship" standard - a variance of use of land, building or other structure. A variance from the provisions or requirements of this Resolution shall not be authorized by the Zoning board of Appeals unless it finds that all the following facts and conditions exist:

1. That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

2. That there are unique physical circumstances or condition, applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.

3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

4. That said variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.

5. That the granting of such variance will not be contrary to the public interest (health, safety) of the intent and purpose of this Resolution and other adopted plans.

6. That said variance will not permit the establishment within a district, of any use other than those permitted by right within that district or any use for which a conditional permit is required.

7. That said variance may not be construed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.

8. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.

9. That in no instance shall a variance be considered for the following reasons:

- (a) Presence of nonconformities in the zoning district;
- (b) Previous variances granted in the zoning district;
- (c) Uses in adjoining districts;
- (d) The applicant's belief that the intended use would be permitted upon his purchase of the land;
- (e) The character standing of the applicant or
- (f) Hardship being demonstrated beyond the context of zoning; e.g. economics.

b. **Area Variance** - "practical difficulties" test - a variance of area, size, and setback requirements, etc. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

2. Whether the variance is substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

5. Whether the property owner purchased the property with the knowledge of the zoning restriction.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

2105.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

The Board shall have no powers to authorize, as a variance, the establishment of a nonconforming building or use, extensions of or changes in nonconforming uses where none previously existed. The substitution of a nonconforming use existing at the time of enactment of this Zoning Resolution for another nonconforming use shall be allowed provided no structural alterations are made except those required by law or resolution. The Board shall adhere to all regulations contained in Section 308 of this Resolution in enacting additional conditions upon all nonconforming variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance or conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XXII of this Resolution.

2105.08 CONDITIONS IMPOSED BY THE BOARD

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

violation of this Resolution and punishable under Article XXII of this Resolution.

2105.09 LAPSES OF VARIANCES

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

2105.10 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

2105.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given by the secretary of the Board of Appeals in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

2105.12 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

2106 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

2106.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT*

An application for conditional use permit shall be obtained from the Zoning Inspector and sent to the Board of Zoning Appeals by at least one owner or lessee of

property for which such conditional use is proposed. At a minimum, the application shall contain the following information:*

- a. Name, address and phone number of applicant.
- b. Legal description of property.
- c. Description of existing use.
- d. Names and addresses of all property owners who are adjacent to and across the street from the property that the variance is being applied for.
- e. Present zoning district.
- f. Description of proposed conditional use.
- g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirement of this resolution.
- h. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.
- i. Such other information as may be required.

2106.02 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

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

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's Zoning Plan.

b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

c. Will not be hazardous or disturbing to existing or future neighboring uses.

d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

g. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

2106.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and is punishable under ARTICLE XXII.

*2106.04 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board shall hold a public hearing within forty (40) days from the receipt of the application for a conditional use.

*2106.05 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

*2106.06 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, written notice of such hearing shall be mailed by the Secretary of the Board, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.*

*2106.07 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

2107 DECISIONS OF THE BOARD

The Board shall decide all applications for variances, conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's determination. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination of the Zoning Inspector as in its opinion ought to be made in the premises. The decision shall state any conditions and safeguards necessary to protect the public interest. In reading a decision, the Board shall be guided by standards specified in this Resolution. A certified copy of the Board's decision including all terms and conditions shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

All findings and decisions shall be clearly set forth in the minutes of the Board. In rendering a decision, the Board should show that:

a. It has considered and evaluated all available information and evidence.

b. It has heard all parties in question.

c. Any personal knowledge the Board may have of the subject under question has been taken into account.

d. The Board has received a report on the case based upon an inspection of the parcel in question.

2108 DUTIES OF ZONING INSPECTOR, ZONING BOARD OF APPEALS,
TOWNSHIP TRUSTEES AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by Section 2109 of this Resolution and Chapter 713 of the Ohio Revised Code. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Board. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying cases brought before it, the Board finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

2109 APPEAL TO COURTS

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

ARTICLE XXII
PENALTY FOR VIOLATION

2201 PENALTIES FOR VIOLATION

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various articles of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

2202 CIVIL ACTION

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

2203 REMEDIES CUMULATIVE

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

**ARTICLE XXIII
MISCELLANEOUS PROVISIONS**

2301 INTERPRETATION

This Resolution is not intended to repeal, abrogate or impair any existing resolutions, easements, covenants or deed restrictions. However, where this Resolution and another resolution, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2302 VALIDITY

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

2303 EFFECTIVE DATE

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

2304 REPEAL

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