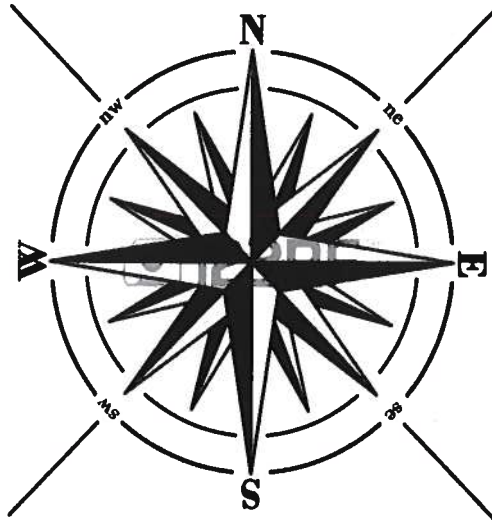


Zoning Resolutions

Brighton Township

Lorain County, Ohio



May, 2021 Print Edition

Brighton Township, Lorain County, Ohio

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Brighton Township Zoning Resolution

Record of Amendments / Additions

ARTICLE	SECTION	PAGE	EFF. DATE	DETAILS
III	310.11	26	11/13/89	Added new "Hazardous Materials"
XI	1111	86 (A)	7/15/97	Amended "Disabled Vehicles" (See 86(a)
XI	1121	87(a)	2/10/97	Added new "Driveways"
XI	1122	87(a)	2/10/97	Added new "Private Bridges"
II	203	16(a)-(b)	7/27/00	Added "Adult Entertainment Business"
IV-A	426	50(a)	7/27/00	Added "Adult Entertainment Business"
IV-A	426	50(b)(c)	8/13/01	Added "Purpose" to Adult Ent. Business
X	1000	70-80	6/10/2013	Revised / Reorganized "Signs" Section

Accepted by Lorain County Planning Commission, Case ZC-2012-15, 11-15-2012

Approved by Brighton Township Trustees, 6-10-2013

IV	411	36A-36B	2/9/2015	Revised / Parks and Playgrounds
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Accepted by Lorain County Planning Commission, Case ZC-2014-11, 6-26-2014

Accepted by Lorain County Planning Commission, Case ZC-2014-11, Revised 8-28-2014

Approved by Brighton Township Trustees, 2-9-2015

IV	419	44A-44G	2/9/2015	Revised / Private Swimming Pools, Agricultural and Residential Ponds
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Accepted by Lorain County Planning Commission, Case ZC-2014-11, 6-26-2014

Accepted by Lorain County Planning Commission, Case ZC-2014-11, Revised 8-28-2014

Approved by Brighton Township Trustees, 2-9-2015

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IV	416.2	42A-42B	2/9/2015	Reviewed Section / Added "Yard Sales"
				Accepted by Lorain County Planning Commission, Case ZC-2014-11, 6-26-2014
				Approved by Brighton Township Trustees, 2-9-2015
Preference		1	11/21/2013	"Zoning Resolution as Set Forth by the Brighton Township Trustees"
				Reaffirmed by the Brighton Township Zoning Commission, No Changes, 11/21/2013
I	101-102	1-16	11/21/2013	"Title and Purpose"
				Reaffirmed by the Brighton Township Zoning Commission, No Changes, 11/21/2013
II	201-201	1-16	11/21/2013	"Definitions"
				Reaffirmed by the Brighton Township Zoning Commission, No Changes, 11/21/2013
V	501-504	1-2	7/23/1015	"Establishment of Districts"
				Reaffirmed by the Brighton Township Zoning Commission, No Changes, 7/23/2015
Preference		1-2	3/14/2016	"Brighton Township Land Use Goals And Objectives"
				Accepted by the Lorain County Planning Commission, Case ZC-2015-13, 8/25/2015
				Approved by the Brighton Township Trustees, 3/14/2016
III	301-311.02	1-12	3/14/2016	"General Regulations" General Review
				Accepted by the Lorain County Planning Commission, Case ZC-2015-13, 8/25/2015
				Approved by the Brighton Township Trustees, 3/14/2016
IV	400-426	1-36	3/14/2016	"Conditionally Permitted Uses" General Review
				Accepted by the Lorain County Planning Commission, Case ZC-2015-13, 8/25/2015
				Approved by the Brighton Township Trustees, 3/14/2016

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Cover, Table of Contents, Amendments, Appendix (Demo Permit) Updated October 25, 2018
 With approval of County Planning Commission Hearing ZC-2018-10.
 Effective Date January 2019 from Trustees approval December 10, 2018, ready for print.

III	312 & 320	13-15	12-10-2018	New "Demolition of Structures", "Easements & Right-Of-Ways" for FirstEnergy and Shared Driveways
IV	419.1 & 419.2	24 & 27	12-10-2018	Added electrical requirements around Ponds (419.2) and went back and added them for Pools (419.1) I/A/W NEC.
VI	602	1	12-10-2018	Small or Tiny Houses Permitted with conditional permit
	604 & 606	3 & 4	12-10-2018	Change "family" to "unit" when talking about dwellings. 1000 sq ft min for "each" unit.
	609	5	12-10-2018	Ohio EPA approved sewage treatment system req'd. for house permit. Modular homes are acceptable (ORC 519.212). Combination home/barn are allowed, acre min., only one permit needed.
II	Definitions	4,6,7	5-12-21	Updated "Disabled Motor Vehicles" and "Junk Yard".
III	305.03	3	5-12-2021	Ag Buildings and structures are exempt from Township Zoning.
	310.03	11,12,13	5-12-2021	Revised Noise Section
	310.11(A)	14	5-12-2021	Environmental Nuisance, Ref to ORC Sections, Add to Junk description.
	310.11(B)	15	5-12-2021	Outdoor Storage of Materials-Separated from above 310.11(A).
	310.12	15	5-12-2021	Outdoor Wood Fired Boilers, new Basic Zoning requirements.
	310.13	16. 17	5-12-2021	Solar Energy Panels, new basic Zoning requirements.
	320.2	19,20,21,22	5-12-2021	Sunoco Logistics Pipeline Zoning (new)

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IV	416.3	21	5-12-2021	Motor Vehicle and Larger Equipment Sales-Added to Yard Sale requirements.
IV	427	38, 39	5-12-2021	Commercial Shooting Ranges New minimum Zoning Township can assume.
VI	604	3	5-12-2021	Farms-Township has no authority to Zone any Ag structures or Buildings.
XI	1111	4	5-12-2021	Disabled Motor Vehicles-rewritten.
	1112	5	5-12-2021	Added Trailer & Boat Parking.
	1121	7	5=12-2021	Limit of 2 Commercial Vehicle parked in R-1 non-farm driveways outdoors.
XIV	1402.01	2, 3	5-12-2021	Property Violations (from County) Notices The Zoning Inspector and/or Trustees can Issue for property clean-up.
Cover, Addendum, Table of Contents			5-3-2021	Updated for above 5-1-2021 Eff Date.

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Brighton Township Land Use Goals and Objectives

- 1) Brighton Township land usage shall continually utilize and apply good design and planning;
 - A) For the protection of existing and future development.
 - B) While maintaining a land use policy which is respective of the Township needs and desires.
 - C) Any conflict of land use shall be minimized and/or properly resolved.
- 2) Planning activities will be devoted to those opportunities which are consistent with sound planning, good design, and free enterprise. Future zoning plans will envision constant change and future needs with adequate resources to maintain the current and short range needs of the Township.
- 3) Planning will always recognize the historical significance of the Township with careful consideration and preservation of identified historical structures and land sites through the careful institution of zoning plans and other regulatory measures.
- 4) As land becomes a diminishing resource, wise and efficient utilization is encouraged. Maintaining controlled growth, with proper zoning, shall minimize the conflict of land uses.

Public areas should be maintained and developed to meet the townships current needs with future plans looking at areas that might be economically served by public facilities.

The Townships future housing plans include maintaining the variety of existing housing and to promote the quality of this primarily residential/agricultural community. Any future zoning plans will strive to maintain and preserve existing property values. The variety of any residential growth shall relate to those areas either presently served or having planned for future public facility services or other development. With controlled districts, residential housing would be discouraged in commercial and industrial growth areas.

Any commercial or industrial planning, development, or expansion in the Township will be thoughtfully evaluated. It may be to broaden and strengthen the economic base, increase service to the residents, and provide employment opportunities. However, a careful balance needs to be maintained, with a minimum conflict between other land use activities, and acceptable locations to all residents of the Township. This might include limits to land for

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commercial development to a ratio proportionate to that which the population and the existing market needs can economically support. An industrial concern may require plans to provide suitable land locations adjacent to major transportation such as roads or railways. Foremost this needs to be in harmony with the Township and residents and might require an additional establishment of an industrial park to maximize potential and minimize land requirements.

The environment within the Township shall always be considered to encourage the protection, care, and maintenance of physical and aesthetic aspects along with meeting the numerous requirements of any Federal, State, and County regulations. The Township will aim to protect any wetlands, woodlands, and scenic areas. Soil suitability shall be identified before any development activities. Development shall not create flooding, overwhelm existing drainage capacities, nor create issues with any existing flood plain controls.

Reference and consideration should be given to the “Brighton Township Land Use Plan” (1999/2000).

Brighton Township, Lorain County, Ohio

ZONING RESOLUTION AS SET FORTH BY THE BRIGHTON TOWNSHIP TRUSTEES LORAIN COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of Brighton 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 as 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 Brighton 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 Brighton Township.

Article I

TITLE AND PURPOSE

101 TITLE

This resolution shall be known and may be cited as the Zoning Resolution of Brighton 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, industry, residence, recreation or other purposes, and for such purposes divide the unincorporated area of the Township into districts or zones.

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Article II

DEFINITIONS

201 Interpretation of Terms or Words

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

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the plural, and the plural number includes the singular.
- 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 words “used” and “occupied” include the words “intended, designed, or arranged to be used, or occupied”.
- E. The word “lot” includes the words “plot” or “Parcel”.

202 Definitions

Accessory Use or Structure: A structure of use which:

- (1) Is subordinate to and serves a principle building or principle use;
- (2) Is subordinate in area, extent, or purpose to the principle building or principle use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use served;
- (4) Is located on the same zoning lot as the principle building or principle use.

In no event shall any accessory building or use be permitted prior to construction of a principle building on the zoning lot.

Agricultural Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other

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agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.

Agricultural Land-Prime: The land best suited for agricultural production (as defined). It is now or could be available for such uses and could be crop land, pasture land, forest or other land. It does not include urban build-up or water areas.

Agricultural Land-Unique: Land other than prime agricultural land that is being used for specific high-value agricultural production. It has the special combination of soil quality, location, climate, exposure, air, drainage, and moisture supply needed to produce sustained high quality and/or high yield of a specific crop when treated and managed according to modern farming methods.

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

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

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

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

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

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

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

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

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Building Line: See Set-Back Line.

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

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to: drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and in this classification tend to serve a day to day need in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture; department stores and discount stores. Highway business uses include, but need not be limited to such activities as service stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

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

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

Certificate of Conformance: Official certification that a premise conforms to provisions of the zoning resolution and may be used or occupied. Such a certificate is a follow-up approval of any granted permits or a review of existing properties being in compliance of existing zoning resolutions. Unless such a certificate is issued, a structure or premise cannot be occupied.

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

Corner Lot: See Lot Types.

Cul-de-Sac: See Thoroughfares.

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Dead-End Street: See Thoroughfares.

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

- A. **Gross Density**-the number of dwelling units per acre of the total land to be developed.
- B. **Net Density**-the number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses.

Disabled Motor Vehicle (Referred to as Junk, Salvage, or Wrecked Motor Vehicle): A motor vehicle that meets all three (3) of the following criteria (Ref ORC 505.173 (E)):

- A. Three (3) model years old or older.
- B. Apparently Inoperable.
- C. Extensively damaged including, but not limited to, any of the following:
missing wheels, tires, fenders, windshield, engine, transmission.

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

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

Dwelling-Farm: Any building or portion thereof which is designated as the primary dwelling structure on the farm and designed for human habitation.

Dwelling-Farm Related: Any building which is designed for and occupied by one family; other than the primary residence, which is occupied by either the owner or operator; or an employee who derives the majority of his or her gross income from the agricultural operation and/or said family head is a retiree (or spouse) of the same agricultural operation such as a father retiring and turning over the farming to one of his children and which exists as a separately deeded property, whether by the same owner of the farm or separate owners, conforming to the County Subdivision Regulations, County Health Code and this zoning text.

Dwelling-Single Family: Any group of rooms located within a residential building (see below) that is constructed on a permanent foundation which is utilized by one (1) family as opposed to two families for its living, sleeping, cooking and eating needs.

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

Dwelling, Two Family: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having separate or combined entrance or entrances.

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

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

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

- A. Base Flood:** Means the flood having one percent (1%) chance of being equaled or exceeded in any given year.
- B. Floodplain:** Means any land area susceptible to being inundated from any source.
- C. Floodway Fringe:** Is that portion of the base flood plain located outside the regulatory floodway.
- D. Regional Floodplain:** Is the area inundated by the base flood. This is the flood plain area which shall be regulated by the standards and criteria of this resolution.
- E. Regulatory Floodway:** The channel of a river or 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.

Floor Area of a Residential Dwelling: The sum of the gross horizontal area of the several floors of a residential dwelling, excluding basement floor areas not devoted to

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residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured along the outside foundation area less the garage areas.

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

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

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

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

Garage, Public: A principle or accessory building other than a private garage, used for packing or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

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

Home Occupation: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

- A. Home Occupation Within a Dwelling.** Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty percent (20%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

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

Junk Yard: Is 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, pipe, tanks, used building materials, used lumber, used glass, discarded motor vehicle components, deteriorated and/or inoperable machinery or components, appliances and their components, disabled

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non-motorized vehicles such as general use utility, sport, camper, and boat trailers, rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, packed, disassembled, dismantled or handled. One or more disabled motor vehicles (after two (2) months) or deteriorated and/or inoperable equipment constitutes a junk yard.

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

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

Local Street: See thoroughfare.

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

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

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

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

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

Lot Measurements: A lot shall be measured as follows

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front A
- B. Width of a lot shall be considered to be the distance between straight lines at each side of the lot, measured at the building setback line, provided,

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however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall be equal to the lot front unless otherwise specified herein.

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

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

- A. A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an internal angle of less than 135 degrees.
- B. An interior lot is a lot other than a corner lot with only one frontage on a street.
- C. A through lot is lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as a double frontage lot.
- D. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

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

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

Mineral Extraction, Storage, and Processing: See Excavations.

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Modular Units: Any portable structure which is an assembly of material or products comprising all or part of a total structure which, when constructed, is self-sufficient, and when installed constitutes the structure or part of a structure, except for its preparations for placement and so designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-282 as amended, and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

More Restrictive: In reference to a non-conforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards etc., or generally increasing compatibility of a non-conforming use to the requirements of the district in which it is located.

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

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

storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

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

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

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

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

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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 regularly accommodated with or without charge, including any building structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

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

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

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

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

Road: see Thoroughfare.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

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

Seasonal Dwelling: Summer cottages and similar housing occupied less than six (6) months during a year.

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Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seat is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

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

Service Station: Building or premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following service may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributor parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing.
- E. Washing, polishing, and the sale of washing and polishing materials.
- F. Greasing and lubricating.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head, crank-case or racing the motor.
- K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
- L. Provision of read maps and other informational material to customers, provision of restroom facilities, and
- M. Warranty maintenance and safety inspections.

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Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Setback Line: A line parallel to the street right-of-way line and at a distance there-from full width of the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measure from the proposed right-of-way line.

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

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

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

- A. **Sign, On-Premises:** Any sign related to a commodity or service sold or offered upon the premises where such sign is located.
- B. **Sign, Off-Premises:** Any sign unrelated to a commodity or service sold or offered upon the premises where such sign is located.
- C. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- D. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- E. **Sign, Projecting:** Any sign which projects from the exterior of a building.

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

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

Street: See Thoroughfare.

Structure: Anything constructed or erected, use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and billboards.

Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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

Thoroughfare, Street, or Road: The full width between property lines bounding every public way 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, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street:** A street primarily for providing access to residential or other abutting property.

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G. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty degrees (180) system of turns are not more than one thousand feet (1,000) feet from each other.

H. Marginal Access Street: A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection for arterial or collector streets (also called Frontage Streets).

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

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

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to the conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Yard: A required open space other than a court occupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; with the exception that accessories, ornaments, and furniture may be permitted in any yard, subject to the height limitations and requirements limiting obstruction or visibility.

A. Yard Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building

B. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal buildings.

C. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

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

203 Definitions (Interpretations and Definitions, Amended 7/27/2000)

203.01 Adult Book Store: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin, or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

203.02 Adult Cabaret: A nightclub, bar, restaurant, or other similar establishment in which a person appears or persons appear in a state of nudity in the performance of his, her or their duties.

203.03 Adult Entertainment Business: An adult book store, adult cabaret, adult motion picture theater, adult drive-in motion picture theater, or an adult-only entertainment establishment as further defined in this section.

203.04 Adult Material: Any magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record, tape, or other tangible thing or any service, capable of arousing interest through sight, sound or touch, and;

a) which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or

b) which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

203.05 Adult Motion Picture Drive-In: An open-air drive-in theater which is regularly used or utilized 15 percent or more of its total viewing time, for presenting material

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distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

203.06 Adult Motion Picture Theater: An enclosed motion picture theater which is regularly used or utilizes 15 percent or more of its total viewing time. For presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

203.07 Adult Only Entertainment Establishment: An establishment where the patron directly or indirectly is charged a fee where the establishment feature entertainment or services which constitute adult material as defined in this section, or which features exhibition, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

203.08 Nudity or Nude: The showing of either of the following:

- a) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
- b) The female breast with less than fully opaque covering on any part of the nipple.

203.09 Sexual Activity: Sexual conduct or sexual contact, or both.

203.10 Sexual Conduct: Vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however, slight, is sufficient to complete vaginal or anal intercourse.

203.11 Sexual Contact: Any touching of an erogenous zone of another, including, without limitation, the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

203.12 Sexual Excitement: The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

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ARTICLE III

GENERAL REGULATIONS

301 PURPOSE

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

302 CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located. The 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 REGULATIONS

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated. No parcel of land shall hereafter be divided so as to provide less than the minimum frontage for access along a state route, county, or township road of record.

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 secondary side street shall not be less than thirty-five (35) feet from the right-of-way line.

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303.03 STREET CONSTRUCTION

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

304 GENERAL YARD REQUIREMENTS

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

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 the lot whereon a building is to be erected or established.

304.02 CLEAR VIEW OF INTERSECTIONG STREETS

In all zones which require a front yard, no obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersect of the street property lines of the projected point.

304.03 LAWN MAINTENACE, MINIMUM

Brighton Township is primarily agricultural/residential and not overly concerned with lawn care. The intent of this section is for property owners to maintain a safe buffer zone, a minimum of thirty feet (30 ft), around primary, habitable, and business structures. Except for the normal landscape trees and shrubbery, the lawn maintenance is to prevent wild thick and overgrown brush from gaining control. In the interest of safety and health, the immediate yard area around the primary or business structure shall be kept mowed twice a growing season or otherwise maintained below a fourteen (14") inch height, except where a ravine or surrounding woodlands may be part of the yard area. This is to prevent the encroachment of rodents and wildlife, and provide a clear view and access for safety forces (Fire Dept. and Sheriff).

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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 and required yard abutting a street.

305.02 ONE STORY GARAGES AS ACCESSORY BUILDINGS

In residential districts one story detached garages shall be located no less than five (5) feet from side and rear property lines. Said accessory building or buildings shall not exceed 750 square feet.

305.03 LARGER ACCESSORY BUILDINGS

Larger accessory use structures (storage buildings or barns) are permitted where they meet the minimum set-back, side & rear yard requirements and maximum area of coverage specified in Article VI, along with the design and site approval on the approved permit by the Zoning Inspector. Due to various designs and lot configurations in the township, proposed structures that may pose a concern to neighboring properties, may be referred to the Board of Zoning Appeals.

Buildings and structures for agricultural purpose and businesses are exempt of any Zoning requirements (ORC 519.02 to 519.5), see Article 604.

At the request of Lorain County, Ohio, and the Brighton Township Trustees, the Township Zoning Inspector shall continue issue permits for agricultural buildings with no fees involved to maintain a record of structural locations. In accordance with the Ohio Code of Regulations OCR 519.01 definition of "Agriculture", no Zoning Certificate shall be required for any building or structure that is incident to agricultural use of the land on which such buildings or structures are located, including farming, ranching, algaculture, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage. "Agriculture" also includes activities involving the processing, drying, storage and marketing of agricultural products if those activities are conducted in conjunction and secondary to actual production of those products (reference ORC 519.21(A)).

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306 EXCEPTIONS TO HEIGHT LIMITS

The height limitations of the Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyers, flagpoles, radio towers, masts, and aerials. Such uses shall be approved by the Zoning Board of Appeals.

307 BUILDING REGULATIONS

307.01 GENERAL

No buildings or other structure shall hereafter be erected or structurally altered

- A. To exceed the height required.
- B. To accommodate or house a greater number of families than that permitted by the provisions of this Resolution.
- C. To occupy a greater percentage of lot area than permitted.
- D. To have narrower or smaller rear yards, front yards, or lot width at the building line than those permitted in this Resolution.

Only after obtaining Township Zoning Permit and/or a County Health Department Permit for septic system (Section 307.5), will any new construction, new inhabited space, change of use, and any additions that change the footprint of a structure be allowed to commence.

It is recommended that reference be made to the Ohio Building Officials Association (OBOA) Dwelling Code, International Plumbing Code, National Electric Code, and the Lorain County Board of Health Plumbing Code as applicable for sound and safe construction. At this time, the Township, in not responsible for any construction approvals or inspections which is the responsibility as determined by the contractor(s), property owners, or their designees if required.

307.02 PRINCIPLE BUILDING

No more than one principal building shall be permitted on any 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

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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-No more than one (1) trailer or mobile home may be temporarily used as a residence on a lot by the owner of record while a permanent dwelling is being constructed. Such excluded use shall not be continued for more than twelve (12) months. A separate zoning certificate shall be required for the use of temporary dwelling quarters. Such certificate shall not be renewed or extended. A performance bond in no event less than \$1,000 dollars shall be filed with the application for such certificate. Approved sanitary facilities must be provided.

B) Limited Use-Visitor's travel trailers 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 repaired or reconstructed. A separate zoning certificate shall be required and such certificate shall be for a time period not to exceed twelve (12) months. Approved sanitary facilities must be provided.

307.05 HEALTH BOARD APPROVAL

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

307.06 AIRPORT HAZARD ZONES

The provisions for the Lorain County Regional Airport Zoning Regulations are in full effect where applicable along with applicable requirements of the Federal Aviation Administration (FAA) for construction and operation of airports, public or private, including the operation of ultra-light and un-manned drone aircraft.

307.07 FLOOD PLAIN ZONES

A permit may be issued with evidence that the Lorain County Soil Conservation Department or other applicable agency has certified that the site is not subject to predictable flooding.

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307.08 LORAIN COUNTY PLANNING COMMISSION AUTHORITY

The authority of the Lorain County Planning Commission shall be observed where applicable.

307.09 SUBMISSION TO STATE HIGHWAY DIRECTOR

The provisions of Section 1201.04 are in full effect where applicable.

307.10 FRONTAGE REQUIRED FOR BUILDING

No principal building shall be erected on a lot which does not abut on a street of record.

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 and submitted to the Lorain County Soil & Water Conservation District upon application for a zoning permit for dwelling units, accessory buildings, and/or all commercial and industrial development where the land surface area for one (1) contiguous acre or more will be disturbed. The following principles shall be followed in developing and carrying out plans for any size land disturbance.

- A) The smallest practical area of land should be exposed at any one (1) time during the 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) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- E) Sediment basins (debris basins, de-silting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
- F) The permanent final vegetation and structures shall be installed as soon as practical in the development area.
- G) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

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H) Whenever feasible natural vegetation should be retained and protected.

308 NONCONFORMITIES

308.01 CONTINUANCE

The lawful use of a building or parcel of land existing at the time of the adoption of the 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 and residence use in a residential district.

308.02 NONCONFORMING LOTS OF RECORD

In any "R" District, notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard 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 (2) 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 conform 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

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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 (50%) percent of its replacement cost at the time of destruction. A zoning permit for such reconstruction must be obtained. Nonconforming building or structures damaged to the extent of more than fifty (50%) percent of replacement cost shall not be reconstructed except in conformity with the provisions of this Resolution.

309 SUBMISSION OF PLANS

309.01 APPLICABILITY

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

309.02 ACTION BY THE ZONING COMMISSION AND APPLICANT

Application for developments in all multi-family, commercial (business) and industrial development districts, shall be reviewed by the Zoning Commission in 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.

309.03 RE-ZONING

Re-Zoning from another district to the proposed classifications shall be considered during the submission of the preliminary site development plans. No zoning permits shall be issued and no building shall be permitted within the designated districts until the final site development plans and the final architectural drawings and plans have been submitted to and approved by the Zoning Commission. Prior to the granting of the permit, the Zoning Inspector

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shall receive from the Zoning Commission and the State Building Inspector an Advisory report approving the proposed development plans as presented in the final form as required herein.

309.04 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS

Zoning permits and health permits issued on the basis of applications and plans including site development plans and architectural drawings and plans approved by the Zoning Commission and the building inspector of the State, or other applicable agencies as designated by the Zoning Commission, authorize only the use and arrangement set forth in such approved plans and applications and amendments or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided herein.

309.05 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 purpose and effect of these regulations and the criteria and standards contained in the applicable district regulations; and to familiarize the development with all plans and regulations of the community. The general plans should indicate the types of units to be used; approximately the location of the public streets; location, type and approximate acreage of all the required open spaces. Three (3) copies of the general plan shall be submitted. Specific plans are not required. The intent here is for both the developer and Zoning Commission to clarify their general intentions in regard to the applicable zoning district regulations before a considerable amount of time and expense has been invested. A formal application and 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 to the Zoning Commission not less than two (2) weeks prior to the regularly scheduled meeting.

309.06 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

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

309.07 SUBMITTAL OF PRELIMINARY ARCHITECTURAL DRAWINGS

A) 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.

B) All architectural drawings must be prepared or reviewed by a licensed registered architect. Such drawings must be affixed with the seal of said architect.

309.08 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 architectural drawings to the Zoning Commission on or before the last day of the month if is to be reviewed the following month at the 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 plan shall be conditional upon compliance with all the other applicable statutes, ordinances, and regulations of the Township, County, and State.

309.09 FINAL SUBMITTAL PROCEDURE AND REQUIREMENTS

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

310 PERFORMANCE STANDARDS

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

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310.01 FIRE HAZARDS

Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

310.02 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any point of any equipment other than that of the creator of such disturbance.

310.03 NOISE

The Zoning Commission of Brighton Township recognizes that certain levels of noise are unavoidable in day to day activities and operations within the Township. However, for the benefit of all residents, businesses, and visitors, unnecessary controllable noise which may constitute a public nuisance and may become detrimental to the public health, safety, and/or welfare of shall be prohibited.

A) Definitions

Plainly Audible – As used in this Resolution, plainly audible means any noise or sound produced by any source that can be clearly heard by a person using normal hearing faculties. Words and phrases need not be discernible and said sound shall include bass reverberations.

B) Certain Noise Prohibited

No person in Brighton Township shall make and no person, landowner, lawful occupant, acting manager, or person in charge of property/premises shall permit at/on any property/premises the making of any un-muffled or uncontrolled noise or sound which by reason of volume, pitch, frequency, intensity, duration, or nature annoys or disturbs the comfort, peace, or health of a person of ordinary sensibilities.

C) Examples of Noises

The following noises or sounds which constitute a non-exclusive list may be considered a violation of this Resolution if they violate Section B, (above) or this this Resolution.

1. Horns – Signaling Devices. The sound of any horn or signaling device on any automobile, motorcycle, or other vehicle on any public street or public place; a

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creation by means of such signaling unreasonably loud or harsh sound; and the sounding of any device for unnecessary and unreasonable length of time. This shall not apply to use of any signaling device as a warning of danger.

2. Radios, Phonographs, etc. The use or operation of any radio, phonograph, television, tape recorder, loudspeaker, cassette recorder, compact disc player, iPad, or any other machine or device for producing or reproducing of sound or amplifying sound with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or on the property/premises in which such machine or device is operated and who are voluntary listeners thereto.
 3. Musical Instruments. The use of any drum or musical instrument or device with or without electrical amplification.
 4. Internal Combustion Engines or other Power Equipment. The operation of any internal combustion engine or other piece of power equipment excluding power mowers, trimmers, generators, chain saws, or tillers.
- D) It shall be a prima facie (sufficient to establish a fact or case unless disproved) violation of Section B of this Resolution when the noise can be heard at a distance of 100 feet or more from the property/premises where the noise or sound emanates.
- E) Noise from Motor Vehicles. No person while operating or occupying a motor vehicle within Brighton Township shall operate or amplify the noise or sound produced by radio, tape/CD player, or other sound making device or instrument from within the motor vehicle so that the noise or sound is plainly audible at a distance of 100 feet or more from the motor vehicle.
- F) The provisions of this Resolution shall not apply;
1. To any law enforcement motor vehicle equipped with any communication device necessary to the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary to the performance of any emergency procedures.
 2. To the noise of sound made by a horn or other warning device required or permitted by state law, when used in accordance with state law.
 3. To any general building construction limited between 7:00 AM and 9:00 PM
 4. To any person engaging in activities described in Ohio Revised Code, Sections 1.16 and 519.01 (Titled "agriculture defined") is exempt from the provisions of this

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Resolution if the noise is attributed to an activity describer in Sections 1.16 and 519.01 of the Ohio Revised Code.

5. To any noise resulting from the drilling, completion, operation, maintenance, or construction of gas wells or pipelines to those wells is exempt from the provisions of this Resolution.
6. To any noise resulting from an organized school-related event, parade, or other Township civic programs, or church sponsored events are exempt from provisions of this Resolution. This exemption shall only be in place during the approved hours of the event.
7. To any noise resulting from permitted hunting or target shooting by individuals on designated public hunting lands or having the written permission of a private landowner, with the proper license required by the Ohio Department of Natural Resources (ODNR), is exempt from the provisions of this Resolution.
8. To any infrastructure construction activities and repairs by the Township, County, or Ohio Department of Transportation (ODOT), the Lorain-Medina Rural Electric Cooperative, the Rural Lorain County Water Authority, or other infrastructure utility (phone, gas, cable).
9. This Resolution includes all Districts where some limited periodic noise above and beyond normal residential / agricultural activities in R-1 Districts may occur during normal business activities in the General Business GB-1 and Light Industrial LI-1 Districts. However, increasing durations and noise levels may not be acceptable and will be investigated by the Zoning Inspector.

G) Enforcement Provisions, see Section 311.

310.04 VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining property.

310.05 SMOKE

Smoke shall be controlled as much as practically and economically possible not to offend neighboring properties and as determined by the Lorain County Health Department or Ohio and/or Federal Environmental Protection Agency (EPA).

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Burning of large quantities of land clearing waste as generated by developers or commercial builders may require written permission from the Ohio State EPA.

On site generation of residential paper or wood waste, residential brush clearing waste, and agricultural waste such as plant matter, brush, stumps, etc. may be burned so as to not create a nuisance.

310.06 ODERS

No malodorous gas or matter of liquid shall be permitted which is discernible on any adjoining lot or property.

310.07 AIR POLLUTION

No pollution of air by fly ash, dust vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause soiling.

Toxic emissions of any kind shall not be generated or released unless being utilized in a very limited scale within a confined commercial laboratory environment with appropriate scrubbers releasing only an inert end byproduct.

310.08 GLARE

No direct or reflected glare shall be permitted which is visible from any property of from any public street, road, or highway.

310.09 EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

310.10 WATER POLLUTION

Pollution of water shall be subject to the requirements and regulations establish by the Lorain County Health Department, Ohio and/or Federal Environmental Protection Agency (EPA).

310.11 (A) ENVIRONMENTAL NUISANCE

Brighton Township prohibits any dumping, burying, storage, spreading, or the resultant pollution of soil or water by the disposal, dumping, storage, spreading, or burning of toxic waste materials, solid waste (ORC 3734.01 (E) or hereafter amended), hazardous waste (ORC 3734.01 (J) or hereafter amended), medical waste (or infectious waste ORC 3745.01 or

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hereafter amended), garbage, refuse, rubbish, scrap metal components, pieces, pipe, tanks, tires, offal, or demolition materials such as windows, doors, siding, roofing, flooring, old brick, old machinery, wheels & tires, vehicle & machinery components which constitute a visual nuisance and may create environmental concerns, are not permitted in Brighton Township. (Disabled Motor Vehicles, see Article 1111)

310.11 (B) OUTDOOR STORAGE OF MATERIALS

Temporary storage of building debris or materials such as windows, doors, lumber, or tanks, pipe, machinery, or miscellaneous components not creating immediate environmental concerns would be acceptable for six (6) months during clean-up, maintenance, or a building project.

If these materials, not creating environmental concerns, are to be stored outdoors for longer than six (6) months, they shall be located in a side or rear yard area, not to be in an area larger than one-hundred (100) square feet to avoid violation of creating a “junk yard” which is not permitted in Brighton Township.

310.12 OUTDOOR WOOD FIRED BOILERS (OWB)

1) Outdoor wood fired boilers (OWB) are permitted in Brighton Township for on-site accessory heating in all Districts. No permit is required because they are considered accessory fixtures, located outside the envelope of a structure, as a means to produce heat or heated water for the structure.

OWB's do not apply to grilling or cooking equipment using charcoal, wood, propane, natural gas, outdoor “fire pits”, or construction or maintenance heating activities which may use propane, natural gas, or kerosene for melting, reclaiming or refining.

2) OWB's shall have a manufacturer's approval from UL, FM, CAN/SSA, NFPA, ANSI, or other applicable agency. The OWB design shall meet the current emission requirements for the Federal and/or Ohio State EPA as applicable. The OWB shall be operated and maintained in accordance with all manufacturer's instructions. All plumbing and/or electrical work needs to comply with the National Standard Plumbing Code (NSPC) and the National Electric Code (NEC).

3) OWB's are required to be seventy-five (75) feet from the property line and any road right-of-way as minimum distances. Regardless, location is to be in a side or rear yard area of the primary use structure. OWB's also need to be located One hundred and fifty (150) feet from a principal building (Home or Business) not being served by the OWB on any adjacent lot.

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A minimum standard stack height of fifteen (15) feet would be acceptable or according to the OWB manufacturer's guidelines.

4) These OWB units are only for burning relatively clean and untreated firewood, wood pallets, wood chips, wood pellets or seeds. To prevent a nuisance and abide by Federal and State EPA regulations, treated, painted, plywood (glue), petroleum products, paints, varnishes, oil, asphalt, tires, rubber items, synthetic or plastics, nylon, PVC, ABS, urethane, foam, newspaper, cardboard, office paper, brush trimmings, leaves, yard waste, rubbish, garbage, trash, demolition debris, as examples are prohibited from being burned in an OWB.

5) Location of any OWB must take into account normal seasonal weather and wind conditions to be expected. By allowing the operation of an OWB, the Township assumes no liabilities while the operator is responsible for maintaining a controlled burn and not creating a fire hazard or nuisance issue of smoke & odors.

Reference 40 CFR 60, Appendix A; No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions measured as any opacity totaling twelve minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined pursuant to EPA Method 22 "Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares".

General Reference: Outdoor Furnace Manufacturing Caucus
Health Patio & Barbecue Association (HPBA)

310.13 SOLAR ENERGY PANELS

- 1) Solar panels for on-site energy are permitted in Brighton Township, in all Districts. No permit is required because they are considered to be accessory fixtures to produce electricity or heat a transfer fluid for heat.
- 2) Solar Panels need to be installed according to manufacturer's instructions and meet requirements of UL, FM, CSA, ANSI, or other appropriate approval agency. All plumbing and/or electrical installation shall be in accordance with the National

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Standard Plumbing Code (NSPC) and National Electric Code (NEC). All wiring and plumbing shall be underground. Any accessory storage batteries, tanks, pumps, etc. are to be housed in the primary or enclosed accessory structure.

- 3) Glare-Solar panels shall be positioned and arranged such that solar radiation, glare, or any reflective light (day or night), not be directed onto adjacent buildings, properties, or any public roadway.
- 4) Roof mounted solar panels shall follow the roof plane of the primary or accessory structure where mounted and not exceed eight (8) inches above the roof. In no case shall the roof mounted solar panels exceed the roof height above the ridge or peak or extend beyond the sides or eaves of the roof.
- 5) Ground mounted solar panels shall typically be located on a side or rear lot in accordance with setbacks established for accessory use structures in their District. A minimum one hundred (100) foot set-back from the road right-of-way is acceptable provided solar panels are not located directly in front of a primary structure. The height of the ground mounted panels shall not exceed twelve (12) feet. Ground mounted solar panels shall not exceed an area more than 2% of the parcel size or four hundred (400) square feet (whichever is less).
- 6) Obsolete, un-used, or deteriorating panels, not being repaired or replaced, shall be removed after one (1) year (12 months).

311 ENFORCEMENT PROVISIOS

311.01 USES

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

311.02 INSPECTION

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

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312 DEMOLITION OF STRUCTURES

For demolition of a R-1 primary use structure (house or residence), or GB-1, or LI-1 primary commercial structure, either by the owner or through the ORC 585.86 condemned building proceedings, the Township requires a demolition permit issued by the Zoning Inspector with all debris to be legally hauled away and the site cleaned up. This does not apply to agricultural buildings or accessory use structures such as barns or sheds.

For the benefit of the Township and environmental concerns, non-primary use structures do not require a demolition permit however, collapsed, and/or otherwise unusable & unsafe structures which are un-restorable and unrepairable shall be cleaned-up, at a minimum, not to be a miscellaneous pile of rubble within 12 to 18 months, where if not immediately disposed of, materials may be kept if reasonably and neatly stacked and stored for sale, some future use, or to be properly and legally hauled away.

320 EASEMENTS AND RIGHT-OF-WAYS

320.1 North South First Energy High Voltage Power Lines

These long-distance power lines were constructed many years ago and according to First Energy, easements and right-of-ways may have different requirements for different property owners. It is the responsibility of these property owners to know what restrictions they are responsible for and to call First Energy for a survey of where the easement corridor is located before any Township permit is issued that may fall along the easement to prevent encroachment.

As guidance to the Township, the following general First Energy restrictions are given for safety and to help First Energy maintain their infrastructure. Individual property owners may have specific legal documentation with special provisions permitting certain limited activities not normally allowed.

- 1) Generally, the right-of-way corridor is considered to be fifty (50) feet to each side of the towers or one hundred (100) feet wide.
- 2) Changes to grade elevations, ground disturbance, and excavation is not permitted.
- 3) There shall be no buildings (including sheds, garages, barns), lighting fixtures, signs, billboards, swimming pools, decks, flag poles, playgrounds, septic systems, leach beds, wells (or drilling activity) within the right-of-way.
- 4) Being an agricultural community, fences may be utilized to retain live stock or to help prevent trespassing. This may require special approval from First Energy for

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- special grounding and easily removable fencing or gates for maintenance & service access.
- 5) Kite flying, model airplane flying, or similar activities are prohibited in or near the First Energy right-of-way.
 - 6) Blasting is not permitted in or near the right-of-way.
 - 7) No explosive or combustible liquid, substance, or material shall be stored within the right-of-way including but not limited to fuel solvents, paint, wood chips, mulch, brush, logs, lumber, miscellaneous building materials, tires.
 - 8) There shall be no soil piles, rock, gravel, brick, or debris storage of any kind within the corridor.
 - 9) There shall be no junk cars, machinery, farm equipment parked within the right-of-way. Property owners need to be aware that farm equipment, machinery, irrigation equipment, and any such metallic items be safely outside of the corridor.

FirstEnergy
Real Estate Department
76 South Main Street
Akron, Ohio 44308

1-800-633-4766

<https://www.firatenergycorp.com/help/safety/real-estate-power-lines/transmission-right-of-way.html>

320.2 Sunoco Logistics East West Pipeline

General Requirements:

It is the responsibility of the property owners to know what restrictions they are responsible for and to contact Sunoco Logistics for a survey of where the easement corridor is located before any Township permit is issued that may fall along the easement to prevent encroachment.

There are certain things that may be allowed within the easement such as driveways, utility line crossings, fencing, pasturing, or crop land, however these need specific written approval from Sunoco Logistics.

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The Township is not responsible for and does not supply enforcement activities for the pipeline owner/operator.

There shall never be any construction/excavation, landscaping, or storage activities within the pipeline right-of-way (ROW) without a written plan and written approval by the pipeline owner/operator which would normally be supervised by one or more of their associates.

Examples:

- 1) Agricultural activities such as ditching, field tile installation, or “deep” plowing must be planned with the approval of the pipeline owner/operator.
- 2) Any boring, drilling, tunneling, installation of electrical or communication cable (above or below ground), road work, signage or guard rail installation, driveway construction falling within the pipeline ROW must have written plans and approval by the pipeline owner/operator.
- 3) No earth or stone shall be added or removed from the pipeline ROW.
- 4) There shall be no storage of materials of any kind, equipment, vehicles, etc. within the pipeline ROW.
- 5) No blasting or seismic activities are permitted within 300 feet of the pipeline ROW.

- 6) Fencing: Any fencing within the pipeline ROW needs written approval of the pipeline owner/operator. It will need to be removable in case access is required by the pipeline company or maintenance crews. No post shall be within five (5) feet of the pipe itself which can be located by the pipeline company.

Considerations

An additional distance of 200 feet from the easement is usually considered to be the “area of concern” or a “consultation zone” as defined by pipeline and government guidance documents used for determining risk assessment and local zoning requirements. In the remote chance of a pipeline failure, the location of ponds and leach beds as low points containing water, and electrical equipment such as pumps & aerators, as examples, some set-back should be considered from the pipeline ROW prior to construction. There are currently no requirements for ponds, leach beds, wells, pools or outdoor electrical equipment in this Resolution revision.

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Set Back Requirements

These basic pipeline easement set-backs are given for enclosed structures within Brighton Township for safety of residents and visitors in the case of an undetected leak or spill. The Township understands with a vast array of parcel shapes, terrain, and location, some deviation from this Resolution may be desired and certainly a Variation Request can be made to the Zoning Inspector and a Hearing scheduled by the Zoning Board of Appeals.

Set-backs are measured from the edge of the pipeline easement to the first edge of the structure.

Accessory Use Structures (For structures larger than 750 sq ft and does not include open air pavilions)	100 Feet
Primary General Business Structures (GB-1) Primary Light Industrial Structures (LI-1) (An exception is the existing Brighton Township LI-1 District rail spur where the railroad and pipeline run parallel and cross each other, 21006 State Route 511)	150 Feet
Non-Public Clubs and Civic Centers	
Residential Housing (R-1) Single and Two-Family Structures	250 Feet
Schools, Day Care Centers, Churches, Elderly Care Facilities, Public Halls, Utility Services	500 Feet

Contact Information: Energy Transfer

Sunoco Logistics Partners Lp
525 Fritztown Road
Sinking Spring, PA 19608
(610) 687-5987
(610) 670-3200

Sunoco Logistics Partners Lp
22782 Ohio State Route 12

Brighton Township, Lorain County, Ohio

Fostoria, Ohio 44830
(419) 435-4514
(419) 436-9667
(419) 435-3789

Reference Items:

“Pipelines and Informed Planning Alliance (PIPA)”
PIPA-info.com

“Local Government Guide to Pipelines”
Pipeline Safety Trust

“Building Safe Communities: Pipeline Risk and its Application to
Local Development Decisions”
US Department of Transportation
Pipeline and Hazardous Materials Safety Administration

320.3 Shared Driveways and Access Easements

Common access driveways and/or cross access or through access easements do not comply with Brighton Township Zoning Resolutions. The Township, like Lorain County, does not suggest or encourage these type easements or right-of-ways. However, in certain situations with various lot shapes, sizes, locations, etc., as a last resort, a Variance may be requested. This will only be approved after review and approval by the Lorain County Engineer, provided there is a proper legal agreement, prepared by independent counsel, between the parties involved, and where the Township will have no authority over and interpretations or enforcement of such agreement.

ARTICLE IV

CONDITIONALLY PERMITTED USES

400 INTENT AND PURPOSE

The characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of a more flexible regulation designed to accommodate these activities in a reasonable and equitable manner while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. The regulations which apply to “conditional use” were created with the understanding that there are some uses which, because of their very nature, have serious objectionable impacts and can cause deleterious effects upon adjacent properties. The Township recognizes that regulation with the following “conditional use permit” is necessary to insure that adverse effects will not contribute to blighting or downgrading within the Township especially in surrounding residential areas.

401 GENERAL REQUIREMENTS

A) BOARD OF ZONING APPEALS

The Board of Zoning Appeals may allow conditionally permitted uses subject to:

- 1) The general conditions as set forth in Article III.
- 2) The submission of plans as set forth in Article III, where applicable.
- 3) The specific conditions set forth herein.

B) CONDITIONAL USE PERMIT

1) The use will be physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible.

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2) A Conditional Use Permit shall be renewed annually with any applicable fees as set forth in the fee schedule and shall accompany such application for said permit unless otherwise specified.

3) A Conditional Use Permit will not be required for land use specifically regulated by the State of Ohio Revised Code. However, all regulations of the State of Ohio and the requirements of this Article must be complied with and be enforced by the Zoning Inspector.

4) EXPIRATION

A Conditional Use Permit shall be deemed to authorize any one particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

Conditional Use Permits are not affected by the transfer of ownership, provided the use remains the same.

5) CONTENTS OF CONDITIONAL USE PERMIT APPLICATIONS

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a "Conditional Use Permit" by filing it with the Zoning Inspector, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- a) Name, address and phone number of the applicant.
- b) Legal description of the property.
- c) Existing Zoning District.
- d) Description of existing use.
- e) Description of proposed conditional use.
- f) A plan of the proposed site for the conditional use showing the location of all:
 - 1) Buildings & structures
 - 2) Parking & loading areas.
 - 3) Streets and traffic accesses.

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- 4) Hours of operation
- 5) Open spaces, yards, landscaping.
- 6) Potential adverse impacts from noise or glare.
- 7) Refuse, litter control, & service areas
- 8) Potential for loitering
- 9) Outdoor vending machines.
- 10) Utilities
- 11) Signs
- 12) Privacy concerns of adjacent uses
- 13) Any such other information the Board may require.

g) A narrative or summary statement discussing the compatibility of the proposed use with the existing use on adjacent properties with a Comprehensive Plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odors, fumes, vibrations, as examples.

C) INSPECTION

The Zoning inspector may inspect the premise at any reasonable time. Failure to comply with the regulations as established herein and others as the Board of Zoning Appeals may add will be considered reason for revocation of the "Conditional Use Permit".

D) VIOLATIONS

"Conditional Use Permits" shall be revoked after thirty (30) days from date of written notice of violation unless said violation had been corrected.

E) Reference is made to ARTICLE XIII, ZONING BOARD OF APPEALS, Section 1306.02, that "General Regulations", Article III, will be reviewed for all "Conditionally Permitted Uses", Article IV.

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CONDITIONALLY PERMITTED USES

402 AUTOMOBILE AUTOMATIC WASH STATIONS (GB-1)

A) Off-Street Reserve Space - Reserve space for not less than (10) ten automobiles per washing lane shall be provided.

B) Required Off-Street Parking-One space for each (2) two employees plus (1) 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 300 feet and an area of (2) two acres 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 (100) one hundred feet from any lot in a residential district.

F) Retail Sale-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 10 P.M.

J) Distance from Side Lot-The building shall be a minimum of (40) forty feet from the side lot.

K) Fencing-A permanent screening fence or wall not less than (6) six feet in height shall be constructed along any property line which abuts property zoned for residential use.

403 AUTOMOBILE REPAIR GARAGES (GB-1)

A) Fencing - When such use abuts a lot in a residential district, a (3) foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a (6) 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

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of not more than (3) feet, from the street right-of-way to the building line and a minimum of (6) feet along the remainder of the property lines.

B) Distance from Residential Areas-Buildings used for such purposes shall not be nearer than (75) seventy-five 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 (2) two driveway openings shall be permitted directly from any major thoroughfare nor more than (1) driveway opening from any minor street, each of which shall not exceed (30) thirty feet in width at the property line at its intersection with the property line. No part of any access way shall be nearer than (100) one-hundred feet to the intersection of any (2) two street right-of-way lines, nor shall any part be nearer than (50) fifty feet to any side or rear property line.

E) Off-Street Parking-One space for each employee shall be provided in addition to (1) space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking, and storage of vehicles.

F) Signs-The area of all permanent advertising signs on a building or parcel may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of width of a building or part of a building, but shall not exceed a maximum area of (100) one-hundred square feet.

404 CEMETERIES (RI-1)

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) two-hundred feet between centerlines.

B) Minimum Site Size-Ten (10) acres.

C) Building Setback-All burial buildings or accessory buildings shall be set back at least (75) seventy-five feet from any street right-of-way bounding the cemetery. There shall be (2) two side yards and a rear yard of at least (50) fifty feet each.

D) Burial Lot Setback-All graves or burial lots shall be set back at least (40) forty feet from any street right-of-way bounding the cemetery. The site shall provide (2) two side yards and a rear yard of at least (40) forty feet each.

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E) 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 set forth above.

405 DAY CARE CENTER (RI-1, GB-1)

A) Minimum Site Size – Two (2.0) acres up to (10) ten children plus an additional (200) two-hundred square feet for each additional child.

B) Interior Floor Space-No less than (100) one-hundred square feet per child.

C) Yards Required-Side and rear yards shall be a minimum of (50) fifty feet.

D) Lot Width and Depth-A 3-1/2 to 1 ratio of width to depth shall be maintained.

E) Play Area-There shall be provided on the site a usable outdoor play area of (75) seventy-five 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.

406 EXTRACTION OF STONE, MINERALS, AND TOP SOIL (RI-1, LI-1)

A) General Requirements - Any owner, lessee, or other person having an interest in mineral land may file with the Zoning Board of Appeals (ZBA), an application for authorization to mine minerals therefrom, provided, however, that he/she shall comply with all requirements of the District in which said property is located and with the following additional requirements.

B) Distance from Property Lines-No quarrying operation shall be carried on or any stock pile planned closer than (50) fifty feet to any property line, unless a greater distance is specified by the Zoning Board of Appeals (ZBA) where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to (25) twenty-five 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) twenty-five feet to the nearest line of such right-of-way.

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D) Fencing-Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Zoning Board of Appeals (ZBA) 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 a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatments as may be specified by the County Engineer.

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

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

H) Applications - Contents, Procedure – An application for such operation shall set forth the following information:

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

Name of the applicant making request for such permit.

Name of the person or corporation conducting the actual removal.

Location of processing plant to be used.

Type of resources or materials to be removed.

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

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Description of equipment to be used.

Method of rehabilitation and reclamation of the mined area.

- i) Public Hearing – Upon receipt of such application, the Zoning Board of Appeals (ZBA) shall set the matter before a public hearing.

407 FUNERAL HOME (GB-1)

A) Site size – Minimum site size shall be two (2) acres with a minimum width of (200) two-hundred feet.

B) Access – The proposed site shall front upon a major thoroughfare. All ingress to the site shall be directly from said thoroughfare.

C) Yards Required – Each front, side, and rear yard shall be at least (50) fifty feet in width and be appropriately landscaped in trees, shrubs, and grass. No structure or parking areas shall be permitted in said yards, except that the rear yards may be used for parking purposes under the requirements specified in Article XI 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 (30%) thirty percent of the gross site area shall be covered by buildings, including accessory buildings.

E) Appearance of Buildings – 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 outlined in Article XI. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by a fence at least (4) four feet in height. Shrubs or trees may be used in combination with said structural screens or walls

408 GOLF COURSE (RI-1)

A) Site Size and Frontage – The site shall contain a minimum of (60) sixty acres for a par 3-9 hole golf course, a minimum of (80) eighty acres for a (9) hole golf course, and (160) one hundred and sixty acres for an (18) eighteen hole golf course. Lot frontage shall be a minimum of (60) sixty feet in addition to the width needed for any desired design.

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B) Distance from Road Right-of-Way – All principal and accessor buildings shall be located not less than (100) one-hundred feet from the road right-of-way side line.

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 (20) twenty feet in width and constructed of a hard surfaced material.

D) Height – No structure shall be erected in excess of (35) thirty-five feet in height.

E) Course Layout – Course layout shall be directed away from all surrounding residential areas and roads. All detailed plans for the layout of golf courses, structures, and accessory buildings shall be submitted to the Township Zoning Board of Appeals (ZBA) for review. The Township may request the review of the Lorain County Regional Planning Commission if desired prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Township and Zoning Board of Appeals (ZBA).

F) Distance from Residential Areas – Buildings and parking areas shall be not less than (200) two hundred feet from any property line of abutting residentially zoned land.

G) Signs – All signs shall be located at least (20) twenty feet from all road right-of-way side lines and (75) seventy-five feet from any abutting residential property lines. No sign shall be greater than (3) feet in height.

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 (10) parking spaces per hole shall be provided in addition to (1) one space per (35) thirty-five square feet of floor area for public assembly. All parking spaces shall be located not less than (75) seventy-five feet from any residential district and (50) fifty feet from the road right-of-way side line.

J) Fencing – a fence, a minimum of (6) 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 the 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.

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409 HOME OCCUPATION (RI-1)

Type (1)

Accessory use within a dwelling unit provided that:

A) Such use shall be conducted by a member(s) of the family residing on the premises with no more than (1) one employee.

B) Such occupation shall be carried on entirely on entirely within the dwelling

C) Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than (20%) twenty percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

D) No activity, materials, goods, or equipment indicative of the occupation shall be visible from the public way or adjacent property.

E) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

F) No commodity shall be sold thereon, unless it was produced on the premises, or unless it is incidental to the services rendered, or the articles produced on the premises.

G) No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.

H) No alteration of the exterior of the residential building shall be made which changes the character thereof as a dwelling.

I) No equipment or process may be used in such home occupation which would cause a nuisance to the neighbors such as noise, vibration, glare, fumes, odors, or electrical interference.

J) There may be (1) one sign advertising the home occupation, not to exceed (4) square feet in area and non-illuminated, set behind the right-of-way line.

K) The principal structure may not be expanded.

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Type (2)

Accessory use within a structure provided that:

A) Such use shall be conducted by a member(s) of the family residing on the premises with not more than one employee.

B) Such occupation shall be carried on entirely within the accessory structure.

C) Such occupation shall be clearly incidental and subordinate to the land use for residential purpose.

D) No activity, materials, goods, or equipment indicative of the occupation shall be visible from any public way or adjacent property except for such material, goods, and equipment that would be normally visible in the district.

E) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

F) No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this resolution and be provided for on site.

G) There may be (1) one sign advertising the home occupation. A sign mounted flat against the wall of the accessory building or dwelling, not to exceed (3) three square feet in area and non-illuminated, and/or (1) one yard sign not to exceed (3) three square feet and non-illuminated and set back at least (12) twelve feet from all street right-of-ways, and placed so as to not create a visibility hazard at the point of ingress and egress. All yard sign requirements for the applicable district shall be met.

H) Accessory structures for home occupations may be a garage with approximately the maximum percent of lot coverage shall be adhered to as set forth for each district in this resolution.

I) Home occupation shall be permitted only after it has been approved by the Zoning Board of Appeals (ZBA).

410 MINIATURE GOLF COURSE (RI-1, GB-1)

A) Minimum Setback – The minimum setback from road right-of-way is (100) one hundred feet, with minimum side and rear yards of at least (15) fifteen feet each. The course

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shall be located no closer than (200) two hundred 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 (200) two hundred feet from the intersection of (2) two arterial streets, or no closer than (100) one hundred feet from the intersection of an arterial street and a local or collector street.

E) Signs – There shall be no more than (1) one advertisement oriented to each abutting street identifying the activity.

F) Lighting – No lighting shall constitute a nuisance and in no way shall lighting impair sale 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 11:00 PM.

H) Retail Sales – The sale of pre-packaged 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.

411 PARKS AND PLYROUNDS (RI-1)

Active Park: The active park is established to provide recreational facilities for the general population within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others, and to afford reasonable access for the public to outdoor athletic, social and educational activities. Unlike a “Passive Park”, this active park recognizes that certain outdoor activities require modification and alteration of natural terrain and disturbance of natural habitat. The active park is created to achieve a balance between the public’s need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities. Property shall comply with the following regulations;

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- A) **Permitted Uses:** Softball, baseball, Golf (plastic balls only), soccer, football (flag or touch only), lacrosse, rugby, tennis, badminton, croquet, walking, jogging, picnic areas, playgrounds, bicycling, multi-purpose paved areas, basketball, field house or shelter areas and other customary accessory uses and structures which are clearly incidental to the permitted uses of the structures.
- B) **Prohibited Uses:** Motorized vehicles (ATV's, motor bikes, snowmobiles, model aircraft), golf (hardball), open fires, overnight camping, full contact sports (tackle football, boxing, karate, wrestling), survival games, activities involving firearms, hunting, skeet shooting, target practice, crossbow or archery, javelin, dumping of trash, or other offensive materials of any kind.
- C) **Access (minimum):** If the park area is totally enclosed by fencing or a barrier, a minimum of two (2) access points to the site shall be provided maintaining a distance of two hundred feet (200) feet, centerline to centerline.
Access (open): Adequate footage shall be provided for entrance/exit whereas trespass on any neighboring property shall be prohibited.
- D) **Parking:** Ten (10) parking spaces shall be planned and provided for each acre of park area unless otherwise specified by the Zoning Board or Township Trustees when the application for a conditional permit is submitted to the Board of Zoning Appeals
- E) **Setback Requirements:** Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-ways side lines. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way or side lot line.
- F) **Playgrounds:** Play ground equipment, its installation, and maintenance shall comply with the US Consumer and Product Safety Commission's, Publication 325, "Public Playground Safety Handbook". The Township shall have a designated employee maintaining a periodic playground inspection program similar to and following the guidelines found in the "Public Playground Safety Handbook".
- G) **Lighting:** When lighting is provided, it shall be shielded from adjacent properties.

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- H) **Noise:** No amplification equipment shall be permitted except for organized Township or Sporting special events.
- I) **Retail Sales:** The sale of food and beverages shall be permitted provided that it is contained wholly within a field house or enclosed building. These sales shall be “not for profit”, for donation, or fund raising activities only. No alcoholic beverages are allowed at any time.
- J) **Development Plan:** A development plan must be submitted at the time of application for a conditional use permit.

412 PLANT NURSERY (RI-1, GB-1)

- A) Minimum Site Size – Five (5) acres is minimum.
- B) Parking – A minimum of (5) five off-street parking spaces shall be provided or (3.5) three and one half square feet of parking space for each square foot of floor space devoted to retailing.
- C) Setback – Any building or accessory structure shall be set back (100) one hundred feet from any road right-of-way side line and (75) 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.

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413 PROSPECTING OIL AND GAS (RI-1, LI-1)

A) Applicability – These conditions apply to commercial prospecting, exploring for oil and gas, oil and gas wells, and service wells accessory thereto, and the storing and transportation of crude oil and natural gas.

B) General Requirements – All operations shall be in accordance with the rules and regulations of the State of Ohio, Division of Mines, Department of Industrial Relations, and provisions pertaining thereto of the Ohio Revised Code as amended. The operator shall furnish a copy of the application for permit to drill (as filed with the Division of Mines pursuant to Ohio Revised Code 4159.04) to the land owner and to the Zoning Inspector. Drilling operations shall be prosecuted with due diligence in keeping with good oil field practice as determined by the Deputy Gas and Oil Well Inspector of the State of Ohio for the district in which such well is located.

C) Setback Requirements – All wells, storage tanks, and other accessory structures shall be located (300) three hundred feet from any house, barn, or other building, road right-of-way line, and shall be equipped with safety devices necessary for the safe handling and storing of oil and gas.

D) Operating Requirements – The operator shall at all times conduct operations and maintain equipment in such a manner so as to maintain property values, provide maximum safety conditions, and shall not create any hazard to health nor create a public nuisance. All unnecessary noise, smoke, and odors are to be avoided. Accumulation and disposition of waste material shall be in a manner conducive to good sanitation and to the restoration of all ground surfaces to their natural condition.

E) Pipe Line – All pipe lines for the transportation of oil and/or gas shall be buried below a depth of (48) forty-eight inches.

F) Restoration – After prospecting is complete or upon the abandonment of any well, each well shall be plugged within (30) thirty days in a manner that will protect all fresh water horizons and the surface of the ground used in connection with the drilling and production of such well shall be restored to its original condition as nearly as practicable. The Zoning Inspector shall be notified by the operator at the time of the plugging of any oil or gas well.

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G) Duties of Zoning Inspector – It shall be the duty of the Zoning Inspector to consult with the Deputy Inspector of the Division of Mines relative to good practices relating to the drilling, production, or storage of oil and gas. Upon finding conditions which he/she determines to be unsafe, unsanitary, or a menace to the health or safety of persons residing in the neighborhood of an oil or gas well, the Zoning Inspector shall order the operator of such well to cease operations until such condition(s) is corrected.

413.01 PRIVATE GAS WELLS (RI-1, LI-1, GB-1)

Private gas wells must comply with all State requirements, and requirements listed in 413 of this Article.

414 RECREATIONAL CAMPGROUNDS (RI-1)

A) Area – No campground shall be developed on a lot of less than (10) ten acres. The minimum campsite shall contain 7,260 square feet. Ratio of campers to total area is based on six units or campsites per acre. No campsite shall be located on land having a slope in excess of (20%) twenty percent.

B) Setback – Buildings shall be located no closer than (300) three hundred feet to the right-of-way and (200) two hundred feet to the side or rear lot line.

C) Sanitation – The general criteria for sanitary facilities shall be:

Toilet Fixtures: 1 for each 17 people

Showers 1 for each 50 people

One restroom with (6) six toilets per campground of 25 units.

One restroom with (6) six toilets and (1) one combination building with (6) toilets, (4) four showers, and laundry facilities per campground of (50) fifty units.

Adequate garbage and rubbish cans with tight fitting lids shall be provided.

The campground and all permanent facilities and equipment shall be kept in a clean orderly and sanitary condition and free from any condition that will menace the health of any camper of the public or constitute a nuisance.

D) Water Supply Requirements – Water supply requirements at campgrounds shall be:

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With showers and flush toilets – 40 gallons per camper per day.

With flush toilets only – 25 gallons per day.

Emergency storage – The capacity of the water storage reservoir or tank should provide for double the expected daily use. If a pressure system is developed, a “standby” or emergency supply of water should be provided.

Distance from drinking water unit – 300 feet maximum, 100 feet or less optimum.

E) Fire Protection – The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department which services the area.

F) Prohibited Activities – No intoxicating beverages may be sold on the campgrounds.

G) Hours of Operation – Under no conditions shall supervised activities continue past 12:00 PM at which time all lights in hall, buildings, outside areas, and all other lights accessory to the operation shall be extinguished, except necessary protection lights.

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

I) Retail Sales – The sale of soft drinks shall be permitted provided that the vending equipment is wholly enclosed within a building.

J) Parking – the following parking spaces must be provided:

Car-300 square feet

Car and trailer-600 square feet

One space or hard stand per camper unit, minimum space for (2) two cars or car and trailer.

Optimum space for (3) three cars must be provided at each rest room.

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

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

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

N) Signs – A sign shall be permitted provided the area of such sign shall not exceed (16) sixteen square feet.

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

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

Q) Storage Areas for Recreational Vehicles – Areas set aside for storage of recreational vehicles shall be enclosed by a chain link fence (6) six feet in height.

415 RIDING, BOARDING AND SHOW STABLES INCLUDING A RIDING ARENA (RI-1)

A) Applicability – These conditions shall apply where one or more horses are used, kept, or maintained, for commercial leasing or hiring purposes of remuneration.

B) General – All riding or exercising of horses shall be conducted solely on the premises of said stable, academy, or area. The use of any public road or right-of-way as a part of a stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.

C) Lot Area – The lot area required for each horse stabled in a riding stable or academy shall not be less than (1) one acre and the minimum lot shall not be less than (5) five acres with a lot width of not less than (400) four hundred feet.

D) Building Location – All buildings for the riding, showing, housing, or keeping of horses shall be located not less than (150) one hundred and fifty feet from the side and rear property line and (200) two hundred feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than (75) seventy-five feet to any property line.

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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) six hundred 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 (150) one hundred and fifty feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than (24) twenty-four 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 – See General Regulations.

J) Height – No building or structure shall exceed (25) twenty-five feet in height.

K) Signs – One sign which serves to identify the use on the premises shall be permitted with a surface area not to exceed (16) sixteen square feet and shall be subject to the requirements found in Article X.

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

M) Hours of Operation – All activities shall terminate on or before 11:00 PM each day.

N) Site Plan – When boarding or keeping more than (3) three horses, a proposed site plan drawn to scale shall be prepared showing the following:

Location of buildings.

Location of property lines and adjacent building.

Ingress and egress points.

Parking areas and driveways.

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All activity areas.

Landscaped buffer areas and the plant material to be used.

Drainage plan which includes the topography of the site at (5) five foot intervals.

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

416 Roadside Stands and Yard Sales (RI-1)

416.1 Roadside Stands

A. General: Roadside stands shall be used for the sale of seasonal products, a majority of which is grown on the property where said stand is located. Said stand shall be portable and shall be moved back to the setback building line during the non growing season.

B. Setback: Said use shall be set back twenty (20) feet from any right-of-way side line.

C. Parking: Adequate off-street parking shall be provided for a minimum of four(4) vehicles or more as determined by the Zoning Inspector 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 X shall apply.

416.2 Yard Sales

A. PURPOSE: The intent of this article is to eliminate perpetual, prolonged and extended garage and yard sales, where if continued indefinitely, tend to become a retail business in residential / agricultural areas and zones, create a nuisance, and violate the zoning regulations of Brighton Township.

B. Yard Sale: The sale or offering for sale new, used, or secondhand household items from a residential or non-commercial premises. These include any casual type sale of tangible personal goods and generally referred to as garage sale, yard sale, tag sale, porch sale, lawn sale, attic sale, basement sale, barn sale, rummage sale, flea market sale, or any other casual sale.

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C. General Yard Sale Regulations:

1) Sales per Year: No more than twelve (12) sales per calendar year, shall be allowed per premises. This would still allow for two (2) sales per month (usually in the Summer months) and be in compliance of the 10-day limit (#2).

2) Length of Sale: The duration of a sale, shall not extend beyond 10 days (allowing for two weekends and a week in between).

3) Hours of Operation: Hours of operation, shall fall within only daylight hours (dawn to dusk).

4) Setback: Said use shall be set back twenty (20) feet from any right-of-way side line or roadway.

5) Parking: Some attempt shall be made to provide off-street parking where parking of any vehicles shall be conducted in compliance with all applicable laws.

6) Signs: The provisions of Article X shall apply.

416.3 Motor Vehicle or Larger Equipment Sales

A) PURPOSE: The intent of this Article is to safely allow for the sale of personal vehicles and equipment owned by the property owner and/or tenant with the landowner's permission without creating a nuisance of excess vegetation or inoperable equipment.

B) Motor vehicles, utility trailers, travel trailers, boats, larger pieces of equipment may be presented in a front yard area of a primary structure for sale.

- 1) Set-Back will be twenty (20) feet back from the road right-of-way.
- 2) They need to be moved once every four (4) weeks for twenty-four (24) hours to not be permanently parked for unlimited time periods.
- 3) A vehicle or piece of equipment offered for sale may continue for a limit of six (6) months and not re-offered for sale for an additional six (6) months.

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417 SERVICE STATION (GB-1)

A) Frontage – A minimum frontage on the primary street of (125) one-hundred and twenty-five feet is required.

B) Building Setback – A minimum setback of (100) one hundred feet from all street right-of-way lines is required. A (15) fifteen 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) seventy-five feet is required where the use abuts a residential area, or (40) feet where the use abuts a non-residential area.

D) Site – A minimum of two (2) one acres is required.

E) Lot coverage – A maximum lot coverage of (20%) twenty percent shall be permitted.

F) Access – Maximum width of curb openings for stations should not be more than (35) thirty-five feet or less than (20) twenty feet. No driveway or curb cut for a driveway shall be located within (10) ten feet of any adjoining property line or within (20) twenty feet of an exterior (corner) lot line as extended. Any (2) two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of (20) twenty feet from the right-of-way line. The angle of the intersection of the center line driveway with the center line of the street shall be not less than (60) sixty degrees.

G) Fencing and Landscaping – Any unpaved areas of the site shall be landscaped or maintained in dust-free condition and separated from the paved areas by a curb or other barrier. When such use abuts a lot in any district, a (3) three 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 shall be incorporated which will attain a maximum height of (3) three feet from the street right-of-way line to the building line and a minimum of (6) feet along the remainder of the property lines.

H) There shall be one parking space for each (2) gasoline pumps and (2) for each service bay plus one for each employee and one for each rest room 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) thirty feet from any right-of-way line. Hydraulic hoists, pits, and all lubrications, washing, and repair equipment shall be enclosed entirely within a building.

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K) Repair Work – No major repair work shall be conducted in a gas station.

L) Outdoor Storage of Vehicles – Under any and all conditions, outdoor storage of vehicles shall be limited to (72) seventy-two hours.

418 VETERINARY HOSPITAL OR KENNELS (RI-1, GB-1)

A) Parking and Access – Parking shall be provided for a minimum of (4) four car and trailer combinations. Five hundred (500) square feet shall be the minimum required parking and access area for each car and trailer or van combination. Three hundred (300) 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 (6) 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 there in, the public, or constitute a nuisance.

C) Building and Enclosures – The main building and any buildings housing animals shall be no closer than (100) one hundred feet from any other lot in any direction. Enclosed runways and kennels or outside exercise areas shall be no closer than (100) one hundred feet from any property line.

D) Manure Piles – Manure piles shall be disposed of daily in a sanitary, non-odorous 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.

419 Private Swimming Pools and Ponds for all Districts.

419.1 Pools

A. Definition – A private swimming pool, as regulated herein, is an indoor / outdoor chamber containing a body of water used for swimming, diving, or bathing, but not including ponds, containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1-1/2) feet. No such swimming pool shall be allowed in any 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.

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B. Outdoor hot tub or spa baths are considered to be small pools. They are exempt from the fencing requirements provided they are drained when not in use or equipped with a hard top latchable lockable cover. The tub or bath does not require a zoning permit, however surrounding decking with a permanent foundation and/or post footers (in the ground) will require a zoning permit.

C. Exclusive Private Use – The pool must be free to use and is intended solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

D. Distance Requirements – The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line

E. Fencing - The swimming pool or entire property on which a pool is located, shall be so walled or fenced to prevent uncontrolled access by children or unauthorized persons with a lockable gate unless it is totally contained in a structure for such control. The fence, wall, or barrier which could be part of a structure, must be four (4) feet in height minimum, and shall have no opening greater than 4 inches for spacing of the grid or slats. The maintained barrier may be of wood, composite, brick, concrete, or a minimum of .032 inch wire (20 gage) chain link type fencing. This applies to all built in-ground pools greater than the 1-1/2 foot depth limit.

The fencing requirement does not apply to above ground pools, however, above ground pools shall utilize a removable ladder or lockable access gate to the ladder or decking.

F. Drainage – Adequate assessment for drainage shall be made subject to approval by the County Engineer, the USDA Soil Conservation Service, or local zoning inspector. Drainage or run-off shall not affect adjoining properties.

G. Pools shall not create a nuisance.

- 1) Lighting – Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- 2) Excessive noise from pump & filtration equipment shall be minimal or suppressed within an acceptable enclosure.

H. Mechanical – All plumbing and electrical installations will be done in accordance with acceptable practice and applicable county, state and national codes. No pool or hot tub shall be placed or built directly over underground electrical transmission lines which must be five (5)

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feet minimum from the side of pool or hot tub. Pools or hot tubs shall not be located with overhanging electrical lines which need to ten (10) feet minimum from the side of pool or hot tub. Switches & outlet with required GFCI devices are to be located six (6) feet minimum to twelve (12) feet from the outside edge of the pool unless otherwise permitted by the National Electric Code (NEC). A maintenance disconnect means must be readily accessible, located within sight, and at least five (5) feet from the pool, spa, hot tub, or fountain (ref NEC 680.17). Current editions of the NSPC and NEC will apply in the event this Zoning Resolution has not been updated.

References: National Standard Plumbing Code (NSPC)
National Electric Code, Article 680 (NEC)

I. Permit Required for In-Ground Pools – No person, firm, or corporation shall construct or install a built in-ground swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector.

J. Above ground pools are exempt from the “permit” requirement, but must comply with other requirements of this resolution with the exception of “fencing”. Above ground pools may require a “permit” because of any surrounding permanent foundation or permanent post footers for adjoining decking.

K. Pools installed prior to updates to this resolution are deemed acceptable until maintenance or repair activities are performed when construction and /or equipment can be updated to the current requirements.

419.2 Ponds

Definitions:

“Detention Basins” shall mean an artificially formed structure, normally dry, designed to hold excess storm water runoff or snow melt for a period of time before ultimately absorption into the ground or slowly discharging water downstream. Detention Basins shall be designed and constructed to the specifications of a professional civil or environmental engineer, with a permit and plan to be approved by the Zoning Inspector. It is suggested this be considered as part of any new construction or landscape project for good land management to prevent excess water runoff that may overwhelm the creeks and streams of the Township.

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Standard “Retention or Recreational Ponds” shall mean artificially formed structures, to serve as permanent reservoirs to hold natural water, year round, with some capacity to accommodate a limited amount of storm runoff. These reservoirs are designed for year round enjoyment as aesthetic elements, and to further such activities as wildlife habitats, swimming, fishing, ice skating, etc. Retention or Recreational ponds shall be designed and constructed to the specifications of a professional civil or environmental engineer and with a permit and plan, will be approved by the Zoning Inspector.

“Agricultural Pond” shall mean a natural or artificially formed structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are used for agricultural based activities including aquaculture, hatcheries, hydroponics, or irrigation and animal related maintenance and/or production activities. Agricultural ponds may also support fire suppression due to the lack or limited access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses nor in any commercial recreational activities as, but not limited to, fishing or swimming. A Zoning Permit and plan is required, but subject to agricultural exemption in accordance with the Ohio revised Code 303.21.

Exemptions:

- 1) No permit is required for garden landscape or “lily” ponds less than 1-1/2 feet in depth. Garden or “Lily” ponds are certainly allowed to be deeper for raising fish or preventing freezing in the Winter, but become a “pond”, by this article, requiring a permit.

 - 2) If a “Detention Basin” is limited to 1-1/2 feet in depth, it will not require a permit unless more than one (1) acre of surface area is being disturbed and/or it is deeper than 1-1/2 feet, where it becomes a “pond”, by this article, requiring a permit.

 - 3) Agricultural ponds, IAW Ohio Dept Agriculture, may include temporary holding ponds with agricultural waste or manure from on-site generation, but will not allow run-off or drainage.
- A) All ponds must be designed by a registered landscape architect, civil or environmental engineer, or the County Soil Conservation Service. This may be a service

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provided from the pond contractor with the needed environmental survey and plot plan details required for the permit.

- B) All designs and plans must be reviewed and approved by the zoning inspector before a conditional permit can be issued.
- C) The construction of all ponds shall not adversely affect the drainage pattern of adjacent properties.
- D) The overflow from either an embankment type or dug-out type pond shall not be discharged so as to affect the required field for and nearby on-site sanitary system.
- E) All ponds shall not raise the ground water table through infiltration so as to render ineffective an on-site sanitary system.
- F) All ponds shall be maintained so as not to create a health hazard.
- G) All ponds shall not create a contamination hazard to groundwater or local drinking water sources such as wells, cisterns, or other nearby ponds.
- H) With the exception of agricultural farm ponds, all ponds within the township are only for the containment of natural water from rain, run-off, drainage, or from springs or shallow wells (not brine from deep well drilling)
- I) Off site natural water is allowed to be imported to the township for filling newly constructed ponds, those that have been recently dredged, or in times of drought if needed.
- J) The construction of a pond and its' continued use shall not cause any additional erosion, either on-site or on adjacent properties.
- K) The areas surrounding a pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimizing erosion.
- L) All ponds shall be located no closer than 100 feet to any right-of-way side line, and no closer than 50 feet to any side lot line or rear property line.
- M) The location of a pond shall not cause a hazard to nearby residents.
- N) Ponds used for drinking water supply or for swimming must meet the Lorain County Health Department's standards for such use.

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- O) Any required pumping or filtration equipment shall be located on the owner's property where the pond is located. The only exception will be for temporary systems set-up with written approval of the property owners affected.
- P) Electrical wiring outlets, and equipment installations are covered in the "National Electric Code" (NEC), Section 682. Equipment on docks or landing stages must be twelve (12) inches above the dock and thirty (30) inches above the water level. General electrical equipment and transformers (not submerged) shall not be located below the datum plane (24 inches above the water level). Service and disconnection equipment shall be located a minimum of five (5) feet from the shoreline and twelve (12) inches above the datum plane (24 inches above the water level) for a total of thirty-six (36) inches. Disconnection equipment must be easily visible and permanently marked for emergency identification. Floating or submersible equipment must have a specifically marked disconnect a minimum thirty (30) inches from the source of the equipment connection, no closer than five (5) feet from the shore line and located within sight of the edge of the shoreline (ref NEC 682.14 (A) (B)). All outlets and equipment shall utilize the appropriate GFCI protection devices. Ground rods shall not be relied on where all grounding shall be connected back to the primary power source. Submerged wiring and equipment requirements are given in various sections of the NEC. The above are basic considerations where all installations must comply with the current edition of the National Electric Code in the event this Zoning Resolution has not been updated accordingly.
- Q) No Pond, Lagoon, Impoundment area or Storage Vessel shall be constructed or used to store sewage, industrial waste, or human waste, treated or untreated in a residential, agricultural, or business district, except for waste generated on premise either human, animal, or industrial.

This prohibition shall not apply to sanitary units approved by the Lorain County Board of Health or other agency with authority to approve sanitary unit installations.

Ponds for Class B Sludge (food waste) and / or semi-treated septage known as Ohio Beneficial Use, Class B Bio-Solids, may only be conditionally permitted with the approval of the Board of Zoning Appeals, and the following restrictions:

- 1) Prior to any Hearing, it is suggested to have an initial meeting with the Township Trustees to discuss construction and operational plans, required

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Federal and State permitting, Lorain Soil & Water Conservation District (SWCD) approval, and any Township concerns or opinions.

- 2) All residents and land owners within 1-1/2 mile radius within the Township shall be notified in writing with the proper 30-day notice prior to any hearings.
- 3) This Conditional Permit is subject to annual reviews and initial fee according to the Brighton Township Fee Schedule. At the time of issuance, a written declaration will be supplied by the owner operator that all conditional requirements along with any additional requirements agreed upon with the Township Board of Zoning Appeals.
- 4) All "General Regulations" Article III, "Conditionally Permitted Uses" Article IV, "General Pond Requirements" Section 419.2, along with the conditional requirements that follow apply:
 - a) The minimum parcel (or combination of conjoined parcels under common ownership), shall be a minimum of 50 acres.
 - b) Effluent stored in this Class B Bio-Sludge Pond is strictly for agricultural use and application by the land owner, to land owned by or leased for agricultural operations, and not for re-sale or any other commercial use or distribution.
 - c) The construction of a Class B Bio-Sludge Pond is prohibited in areas designated as a Flood Zone or Wetlands.
 - d) Setbacks shall be measured from the effluent's edge or rim of the excavated pond shall be:
 - 1) 500 feet from the roadside right-of-way.
 - 2) 1000 feet from any existing habitable structures, schools, churches, public buildings, businesses, health care facilities on neighboring parcels (front, side, and rear lots), at the time of initial application and approval.

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- a. This pond may be located within 300 feet of the farm residence if desired to consolidate farm operations, however must still conform to section (P) (4) (d) (1 and 2) above.
- 3) 350 feet from any side and rear parcel boundary and from any river, stream, creek, drainage ditch, or wetlands.
- 4) A 20 foot buffer zone with planted vegetation shall be maintained around the circumference of the pond.
- e) The effluent level shall not exceed 12 inches from the lowest rim of pond's constructed containment.
- f) Class B Bio-Sludge Ponds will not allow run-off where emergency plans will be in place by the owner operator to immediately address any over-flow conditions.
- g) Access (entrance and egress) from the site shall be by a dedicated driveway. The state highway, county, or township road must be capable of withstanding the projected truck traffic and not exceed any allowable vehicle weight limits in force. Driveway access shall conform to Article XI, Section 1121, of this Resolution.

Pond Reference Materials:

Natural Resources Conservation Service USDA-NRCS

“Pond Standards and Specifications”

“Ohio Pond Management Handbook”

Contact the Ohio State University Extension Office

Contact the Ohio Department of Agriculture

420 CHURCHES (ALL DISTRICTS) (RI-1. GB-1)

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

B) All buildings, structures, accessory buildings including parking areas or garages shall be set back (50) fifty feet from the side and rear lot lines.

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C) Parking shall be provided as follows: One (1) space for each (4) four seats.

D) Lighting – Lights shall be shielded and directed away from adjacent property.

E) 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.

F) Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of (2) two access points (70) seventy feet center to center. All points of entrance or exit shall be located no closer than (200) two hundred feet from (2) two intersecting major streets or (100) one hundred feet from the intersection of a major and minor street, or (2) two minor streets.

G) A lot area of two (2) acres per (100) one hundred seats with shall be provided.

421 TRANSITION PROVISIONS AND REQUIREMENTS (RI-1)

A) Intent of Transition Provisions – In order to provide an added measure of reasonableness and flexibility to the regulations set forth in this resolution, and in order to accommodate a natural tendency for gradual transition between (2) two distinctly different kinds of land use activities, there are hereby provided transition zones at the periphery of certain commercial and industrial districts. Within these transition zones restrictions for the residential districts are progressively modified within a specified distance the less restrictive requirements of a commercial or industrial district.

B) Limits of Transitional Zones – Certain GB-1 structures and uses, as specified herein, may be permitted in the RI-1 District within (100) one hundred feet of the GB-1 (General Business), and LI-1 (Light Industrial) Districts, PROVIDED that any nonresidential use allowed within the transition zone shall be permitted only by the application for the issuance of a conditional use permit, and meet the following additional requirements:

- 1) In reviewing any such proposed use, the Zoning Board of Appeals (ZBA) shall take every precaution in granting authorizations to achieve the maintenance of the essential residential district in which transition uses are allowed.

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- 2) The Zoning Board of Appeals (ZBA) may impose such additional conditions and safe guards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the spirit and objectives of this resolution are observed.
 - 4) Comments from the Zoning Commission shall be solicited in sufficient time to be received prior to the hearing
- C) Uses Permitted: Only the following uses shall be permitted in any transition zone:
- 5) All uses permitted by right in the RI-1, Residential District.
 - 6) Lodges and Clubs, excepting such lodges or clubs, the chief activity of which is a service customarily carried on as a business or primarily for gain.
 - 3) Tourist homes for the accommodation of transient guests with no more than (4) rooms.
 - 4) Personal services such as dress-making, millinery, hair-dressing, hair cutting, beautician and massage service, PROVIDED, such activity is carried on completely within the principal building.
 - 5) Business services and sales not involving handling of merchandise or rendering personal services on the premises.
- D) Site Development Requirements:
- 1) Yards: All yard dimensions, height, area, and bulk requirements for the particular residential district shall be complied with.
 - 2) Off-Street parking and loading facilities as required for the particular non-residential use shall be provided.
 - 3) Sign regulations for the particular residential district shall be complied with.

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E) Additional Transition Requirements for Business Districts or Industrial Districts that Adjoin a Residential District: In order to mitigate the detrimental effect on residential properties immediately adjacent to business or industrial activities, the following regulations shall be complied with:

- 1) Any of the following land and structure uses shall be no closer than (100) one hundred feet to any residential district:
 - a) Gasoline service of filling station.
 - b) Automobile repair and public garages.
 - c) Drive-in food or drink dispensing facilities.
 - d) Drive-in theaters.
 - e) Drive-in golf ranges.
 - f) Amusement parks, carnivals, tent shows.
 - g) Music or dancing schools and studios.
 - h) Laundry, dry-cleaning establishments.
 - i) Animal hospital, clinic, or kennel.

422 NURSING HOMES (RI-1, GB-1)

- A) The proposed site shall be at least (2) two acres in area.
- B) The proposed site shall have at least (1) one property line abutting a major thoroughfare. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare.
- C) All two story structures shall be at least (100) one hundred feet from all boundary lines or street lines. Buildings less than two stories shall be not closer than (50) fifty feet to all property or street lines. For buildings above two stories, the building shall be set back from the initial (100) one hundred foot setback an additional (1) one

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foot for each foot of additional height above two stories.

- D) No more than (25%) twenty-five percent of the gross site shall be covered by buildings.
- E) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall (6) six feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
- F) All signs shall be in accordance with the schedule outlined in Article X.
- G) Off-Street parking and loading space shall be provided in accordance with the schedule outlined in Article XI.

423 DOG FIELD TRIALS AND ACCESSORY USES (RI-1)

Dog field trials and accessory uses, subject to the issuance of a conditional use zoning certificate therefore and the following conditions plus such other conditions as the Board of Zoning Appeals (BZA) may require.

- A) Accessory uses shall be limited to the following: buildings and structures necessary for this use and accessory uses, preparation and sales of meals to persons attending the dog field trials only, children's playground, locker room, necessary maintenance equipment.
- B) All uses and accessory uses subject to state and local regulations.
- C) The sign requirement is (9) nine square feet. Larger signs will be permitted, providing that they are attached to the clubhouse and further provided that neon gas filled tube illumination or color displays be excluded
- D) The minimum lot area shall be sufficient to accommodate all permitted uses including space to comply with the parking requirements of this zoning resolution.
- E) Parking areas must allow sufficient lot area to accommodate anticipated customer parking on the lot and provide for safe means of ingress and egress to said property.

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Parking facilities shall be located a minimum of (50) fifty feet from all side lot lines, shall be suitably screened from adjacent properties, and (50) fifty feet from any road right-of way.

- F) The Zoning Inspector may inspect the premise any time. Failure to comply with regulations will be considered reason for revocation of the conditional permit.
- G) Lights shall not be a nuisance to adjacent property.
- H) Front Yard – All buildings or structures or uses shall be located a minimum of (150) one hundred and fifty feet from the road right-of-way line. Where no road right-of-way exists, such line shall be construed to be (30) thirty feet from road center line.
- I) Side Yard – All buildings or structures shall be located a minimum of (75) seventy-five feet from all side lots.
- J) The entire area shall be enclosed with adequate fencing.
- K) Sale of liquor shall not be permitted.

424 OVERNIGHT TRAVEL TRAILER PORT (GB-1)

Overnight travel trailer port and accessory uses, subject to the issuance of a conditional zoning certificate therefore and the following conditions plus such other conditions as the Board of Zoning Appeals (BZA) may require:

- A) All uses and accessory uses subject to State and local regulations
- B) Only (1) one sign shall be permitted. Such sign shall not exceed (9) nine square feet.
- C) No trailer or structure or use shall be located closer than (75) seventy-five feet from any lot or road right-of-way line.
- D) Only one roadway to the grounds shall be permitted and shall be at least (25) twenty-five feet in width.
- E) No commercial sales shall be permitted other than an entrance fee.
- F) Lights shall not be a nuisance to adjacent property.

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- G) The Township Zoning Inspector may inspect the premises at any reasonable time. Failure to comply with regulations of this permit or the Zoning Resolution shall be considered reason for revocation of the conditional zoning certificate.
- H) Occupancy by any one travel trailer to no exceed (48) forty-eight hours. Occupancy may be extended beyond (48) forty-eight hours in the event of a bona fide emergency due to illness or mechanical failure.
- I) Density of use shall not exceed (8) eight trailers or units per acre including only that actually used for camping including setbacks and side yards.

426 ADULT ENTERTAINMENT BUSINESSES (LI-1)

REGULATION OF ADULT ENTERTAINMENT BUSINESSES

The purpose of this section and related sections is to promote the public health, safety, and welfare through the regulation of adult entertainment businesses. It is the intent of this section and related sections to regulate adult entertainment businesses, as defined herein in such a manner as to prevent the erosion of the character of the surrounding neighborhoods, and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers.

Further to the purpose of this section and related sections is to minimize and control the adverse affects of adult entertainment businesses which include increased crime rates, decreased property values, curtailed retail trade, and deterioration of the quality of rural and urban life.

There is adequate land available in the Light Industrial (LI-1) District to locate adult entertainment businesses.

It is not the intent of this section and related sections to suppress any speech activities protected by the First Amendment of the United States Constitution, nor is it the intent of this section and related sections to condone or encourage the establishment of the adult entertainment business.

Conditional Use Permit Required

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business, and no property shall be arranged for use or used for any adult business, unless authorized by the issuance of a conditional use permit in accordance with the Provision of Article IV of this

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resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- A) Adult entertainment businesses shall comply with the district regulations applicable to all properties in an district in which they are located.

Adult Entertainment Businesses

Regulation of Adult Entertainment Businesses

Purpose:

The Brighton Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult entertainment businesses on the neighborhoods and areas in which those businesses are located.

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

These numerous studies conclude, based on documented evidence, that adult entertainment 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 entertainment businesses are compounded when such businesses are located in proximity to each other and have the tendency to create “dead zones”.

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

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

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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 entertainment businesses.

There is adequate land available in Brighton Township, zoned LI-1 (Light Industrial District) within which adult entertainment 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 entertainment businesses.

427 COMMERCIAL SHOOTING RANGES (LI-1)

- A) Shooting Range Definition: A facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves established pursuant to the Ohio Code of Regulations. "Shooting Range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district. (Ref OCR 1533.83)

- B) The Township may allow for a commercial shooting range with a Conditional Permit in accordance with requirements set forth in Article IV, Conditionally Permitted Uses, being within a Light Industrial District (LI-1). The intent is to limit any unnecessary danger and nuisance issues from this type of business and provide for some safety to surrounding businesses, housing, the residents, and guests of the Township.

- C) Along with meeting all the Ohio Revised Code and National Rifle Association Standards for Shooting Range Standards, the Township will require a complete up-front planning program to include the following, as primary examples, and where additional information would be expected to answer any details before any Conditional Permit is considered.
 - 1) How all the NRA safety guidelines will be followed.
 - 2) How the facilities "safety plan" is to be implemented.
 - 3) Stipulations on how, when, why, and by whom the facility will be used. (Noise controls, Calibers to be allowed, Hours of operation, etc.)

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- 4) Firearms training and educational requirements for employees and users of the facility.
 - 5) Safety plans need to address
 - a) The general facility and specific range rules.
 - b) Firearm handling rules on and off the firing line.
 - c) Back stop construction, maintenance, disposal of hazardous waste (lead shells).
 - d) Administrative rules and regulations (how the facility is to operate)
- D) For safety, violations must be addressed in the plans of facility rules. Major violations may be cause for the Conditional Permit to be immediately revoked along with any legal actions deemed necessary. Misc. examples might be:
- 1) ORC 292.16, Improperly handling firearms in motor vehicles.
 - 2) ORC 2923.161, Improperly discharging a firearm at or into habitation or a school safety zone.
 - 3) ORC 2923.162, Discharging a firearm on or near a prohibited premise.

Reference: Ohio Administrative Code 1501:13-29-03
Ohio Revised Code 1533.84
Ohio Revised Code 1533.85

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 Brighton Township are hereby divided into the following Districts:

RI-1 Agricultural Residential District

GB-1 General Business District

LI-1 Light Industrial District

FP-1 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 Brighton Township" adapted 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

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- lines, such as 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 construed to be said boundaries.
 - C. Where District boundaries are so indicated that they approximately are parallel to the center lines or street lines of a street or of the center lines of right-of-way lines of highways, such District boundaries shall be construed as being parallel thereto and of such distance there from as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale on said Zoning Map.
 - D. Where the boundary of a District follows a railroad line, each 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 un-subdivided property, the District boundary lines on the Map accompanying and made a part of this Zoning Resolution shall be determined by dimension notes on the Map, or by the use of the scale appearing on the Map.

ARTICLE VI

AGRICULTURAL RESIDENTIAL - RI-1

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 development of land to urban uses at a time when the community can feasibly provide the required urban services.

602 PERMITTED USES

Agriculture (Farms)

Single Unit (Family) Dwellings and Two Unit (Family) Dwellings

Accessory Buildings incidental to the principal use which do not include any activity conducted as a business.

Small or "Tiny Houses", less than the required 1000 square feet, are acceptable as "accessory use structures" with a conditional permit for use for temporary or recreational quarters. They are not for permanent residence.

Greenhouses

Public Schools

Water Impoundment Facilities

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603 CONDITIONALLY PERMITTED USES

Cemeteries (see section 404)

Churches (see section 420)

Day Care Center (see section 405)

Dog Field Trials (see section 423)

Golf Courses (see section 408)

Home Occupations (see section 409)

Miniature Golf Courses (see section 410)

Nursing Homes (see section 422)

Parks and Playgrounds (see section 411)

Private Gas Wells (see section 413.01)

Pools and Ponds (see section 419)

Plant Nursery (see section 412)

Prospecting, Oil and Gas (see section 413)

Recreational Campgrounds (see section 414)

Riding, Boarding and Show Stables (see section 415)

Roadside Stands and Yard Sales (see section 416)

Transition Provisions (see section 421)

Extraction of Stone, Minerals and Topsoil (see section 406)

Veterinary Hospital or Kennels (see section 418)

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604 LOT AND YARD REQUIREMENTS

Agriculture (Farms)

No power is conferred to the Township Zoning Commission, Township Board of Trustees, or Township Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, except as otherwise provided in Division (B) of the ORC 519.21 (Reference ORC 519.02 to 519.25).

Lot Area per Residence (Family) Unit

Single Unit

Minimum Building Lot – 87,120 square feet (2.0 acres)

Minimum Frontage and Width – Two Hundred (200) feet

Two Unit

Minimum Building Lot – 174,240 square feet (4.0 acres)

Minimum Frontage and Width – Three Hundred (300) feet

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All (both Single and Two (Family) Units

Minimum Front Yard Depth (measured from center of roadway)

One Hundred (100) Feet off all Major Thoroughfares

(Federal and State Highways)

Seventy-Five (75) Feet off all Secondary Roadways

(County and Township Roads)

Minimum Rear Yard Depth – Seventy-Five (75) Feet

Minimum Side Yard – Not less than ten (10) feet, but the sum of two

side yards shall not be less than twenty (20) feet.

Percentage of Lot Coverage – All buildings including accessory

buildings shall not cover more than thirty (30%) percent of the

net area of the lot.

Note: Minimum Front Yard Depth

- a) The Lorain County Planning Commission advises that there exists a thirty-foot (30 ft) Right-of-Way along the side of Township and County Roadways.
- b) Due to grade, bridges, curves, State Routes or Highways may have as much as sixty feet (60 ft) or more as a Right-of-Way. Property owners are strongly advised to review any plot plans with the Ohio Department of Transportation (ODOT).

605 MAXIMUM BUILDING HEIGHT

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

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606 REQUIRED MINIMUM LIVING AREA

Single Unit Dwelling – 1,000 square feet

Two Unit Dwelling – 1,000 square feet for each unit

607 PERMITTED SIGNS

The provisions of Article X shall apply in this District.

608 OFF STREET PARKING AND LOADING

The provisions of Article XI shall apply in this District.

609 GENERAL REGULATIONS

The provisions of Article III shall apply in this District.

A zoning permit for any residential structure on an approved lot will not be issued unless a Lorain Health District approved water supply and an Ohio EPA approved sewage treatment system are approved and available.

“Modular” or permanently sited manufactured homes are acceptable (OCR 519.212) provided they have the minimum living area of 1000 square feet, are properly built on a permanent foundation, and meeting other requirements of this Resolution.

Combination primary/accessory use structures (house/attached barn) may be approved provided the living quarters meets the minimum 1000 square feet area and meeting other requirements of this Resolution. Only one zoning permit for the primary R-1 structure and for the accessory use structure will be required provided construction run consecutively the same time along with a minimum of a five (5) acre parcel or lot size requirement

Article VII

GENERAL BUSINESS – GB-1

701 PURPOSE

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

702 TYPICALLY PERMITTED USES:

Antique Stores
Automobile Accessory Store
Automobile – Truck, Travel Trailer Sales Lot

Bicycle Rental Sales, Service, and Repairs
Billboards and Signs, subject to the provisions of Article X.
Boat and Sporting Goods Store
Bowling Alley, provided that building used for such purpose is at least one hundred (100) feet from any residential district.
Building Materials and Sales, if conducted in an enclosed building.

Clinics, Medical and Dental
Clubs (swimming, YMCA, etc), Lodges

Discount Stores (variety, drugs, etc.)
Doughnut Shop
Drive-In Banks
Drive-In Ice Cream Stores
Drive-In Restaurants
Dry Cleaning, custom and self-serve

Egg and Poultry Store
Electricians, Contractor Shop
Exterminator Services

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Farm, Fruit, and Produce Stands
Farm Implement Sales
Floor Covering
Food and Grocery Store
Food Lockers

Garden and Nursery Centers
Gift, Novelty, and Souvenir Stores
Golf Driving Ranges
Governmental Buildings

HVAC Shop, Service & Repairs
Home Appliance, Service & Parts
Home Furniture, Repair & Refinishing Store

Laundry, custom and self-service
Lawn Mower, Sales and Service

Monument Sales, provided cutting is done in an enclosed building.
Motorcycle Sales and Service

Pet Store, Supplies
Photographic Studio
Photostatting, Printing, Publishing
Plumbers, Service Business

Restaurants

Supermarkets

Tennis Club, Racquet Club

Accessory buildings incidental to the principal use which do not include any activity conducted as a business.

703 CONDITIONALLY PERMITTED USES

These conditionally permitted uses shall meet the minimum requirements of this Article VII, "General Business, GB-1" and any additional requirements in Article IV, "Conditionally Permitted Uses".

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Automobile Automatic Wash Stations (see section 402)
Automobile Repair Garages (see section 403)
Churches (see section 420)
Day Care Center (see section 405)
Funeral Homes (see section 407)
Miniature Golf Course (see section 410)
Plant Nursery (see section 412)
Service Stations (see section 417)
Nursing Homes (see section 422)
Overnight Travel Trailer Park (see section 424)
Veterinary Hospital or Kennel and/or Cattery (see section 418)

704 BUILDING HEIGHT LIMIT

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

705 REQUIRED LOT AREA

The lot area shall be not less than two (2) acres (87,120 sq ft) and having a lot width and frontage of not less than two hundred (200) feet provided that central water and an Ohio EPA approved sewage treatment system is available.

706 YARDS REQUIRED

FRONT Yard – Required setback is seventy-five (75) feet from the center of Township and County roadways and one hundred (100) feet from the center of State highways. A twenty (20) foot deep buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.

REAR Yard – Half the height of the building, but not less than ten (10) feet.

Minimum SIDE Yards – Half the height of the building, but not less than ten (10) feet.

Side Yards and Rear Yards Abutting a Residential Area – A seventy-five (75) foot unobstructed buffer strip suitably landscaped.

Access Ways – The use of marginal roads is to be encouraged throughout the district. Each lot shall have not more than two (2) access ways to any marginal road with a forty-five (45) foot separation between center lines. The width of the accessory leading to or from a highway and/or marginal road shall be not less than twenty (20) feet nor shall it exceed thirty-six (36) feet.

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707 PERCENTAGE OF LOT COVERAGE

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

708 SUBMISSION OF PLANS

The provisions of Article III, General Regulations, Submission of Plans, Section 309 shall be in full force and effect in this District.

709 PERMITTED SIGNS

The provisions of Article X, Signs, shall apply in this District.

710 OFF-STREET PARKING AND LOADING

The provisions of Article XI, Off-Street Parking, Loading Facilities, and Driveways shall apply in this District.

711 GENERAL REGULATIONS

The provisions of Article III, General Regulations, shall apply in this District.

Article VIII

INDUSTRIAL DISTRICT REGULATIONS

LIGHT INDUSTRIAL LI-1

801 PURPOSE

The purpose of the LI-1 District is to encourage the development of manufacturing and wholesale establishments which are clean, quiet, and free of hazardous objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

802 PERMITTED USES

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

Acoustical material storage; advertising display manufacturing, agricultural; agricultural implements (repair and service); agricultural tillage (contractors); air express service warehouse; airplane (repair and storage); asphalt siding, shingles, roofing storage; automobiles (assembly of bodies, sales, parts and supplies, repair, brakes, electrical, painting, radiators, upholstery, etc., storage).

Bakers and baked goods manufacturing; balls and bearing storage; barbecue (bulk preparation and sales); beer and ale distributor wholesale and storage); belting (repairing); beverages (bottling); beverages (wholesale and storage); biscuit companies (manufacturing); biscuits (wholesale and storage); boat (pleasure, storage); boilers (storage); bookbinders, book publishing (printing); bottles (wholesale); boxes (sales); braces (orthopedic, manufacturing); brick storage yard; brooms (manufacturing); building contractors (equipment and material storage); burglar alarm systems (installation); bus line shops (garage, repair); business machines (manufacturing repair service, storage, and wholesale); button covering (fabrics).

Cabinet makers; candy (wholesale distribution); canvas goods (fabrication); carpenter's shops and power woodworking; carpet and rug cleaners and storage; carpets and rugs (warehouse); carpets and rugs (wholesale); cement products manufacturing (pipe, blocks, etc.); cement; cement storage; cesspool builders and service equipment yard; cigarette manufacture; cigarette service; cigarette manufacturing (machine rolled); cigars (wholesale and storage); cleaning and dyeing processing; clock factory; clothing manufacturing; coin machines manufacturing; coin machine (rental and service); cold storage; concrete contractors (storage

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yards); concrete products (pipe, beams, manufacturing); concrete products (storage); concrete transit mixed; confectioners (wholesale); contractors equipment and supplies (storage); corsets and brassier manufacturing; cotton seed products (storage); cranes (storage yard).

Dairies (distributing, commercial); decoration (workshop and equipment yard); department store warehouse; desk manufacturing; diaper supply service; diesel engines service, equipment and supplies (not manufacturing); disinfectants (storage and wholesale), display designers and builders shops; distillers (distribution and warehouse); doors, sash, and trim wood manufacturing; draperies manufacturing; drilling company equipment yards; dry cleaning establishments (bulk processing); dry goods (wholesale or storage).

Eggs (storage and processing); electric equipment assembly; electric refrigeration locker; electric appliances manufacturing; enameling and painting (custom); engravers; express companies warehouses; exterminating and fumigating (commercial shops).

Farm implements and machinery assembly; feed (wholesale and storage); fences (metal, wholesale and storage); fertilizers (processed, storage only); filters fabricators; fire escape contractors; firewood (storage); fish (wholesale); flags and banners manufacturing; floor refinishing (contractors shop); food processing (general, see under product listing); food products (brokers and distributors, wholesale); food products (warehouse); freight forwarders warehouses; frozen food processing; frozen foods (wholesale, storage and distribution); fruit and vegetable (general, see under product listing); fur warehouse; furniture cleaners; furniture (wholesale and storage); fur apparel manufacturing (cutting and assembly).

Garment factory; glass blowing; grocers (warehouse); grocers (wholesale); gunsmiths (repairs).

Harness repair; hat manufacturing; hay and straw (sales and storage); heating and ventilating apparatus (assembly and storage); hoists (equipment storage); hosiery manufacturing; hotel equipment (assembly and custom fabrication); house movers (equipment storage yards).

Ice-cream manufacturing; imported goods (warehouse); insulation (contractors equipment yard, storage, and wholesale); interior decorators (workshops); iron (custom decorative wrought iron shops); irrigation companies and equipment.

Janitor's supplies (storage and warehouse); jewelers (bulk manufacturing); jobbers (bulk materials).

Knit goods manufacturing.

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Laboratories (commercial, analytical, experimental and research); ladies ware manufacturing; laundries (processing); laundry equipment and supplies (storage); leather goods (manufacturing, fabrication); limb manufacturing (artificial); lime (storage); linen supply laundry service; linoleum (storage); liquor (storage and wholesale); lithographers; livestock (supplies, storage and wholesale); locksmiths repair shops; loft builders; lubrication compounds (storage); lumber (cabinet workings); lumber storage yard; lumber (used and wholesale).

Machine shops; machine tools (storage); machinery rental; machinery (used storage); markets (exchanges of goods); meat (storage and wholesale); men's clothing manufacturing; metals, processing, light fabrication from standard shapes; machine shop operation, products fabrication and assembly; meters manufacturing; milk bottling plant (other than farm); milliners (wholesale and manufacturing); millinery and artificial flower making; mill work (sale and storage); mineral water (distillation and bottling); mining machinery (wholesale storage); mirrors (re-silvering, custom work); model construction (supplies and manufacturing); mortar (bulk preparation and sales); motion picture equipment (storage and manufacturing); motion picture studios; motor freight company warehouses; motor cycles (repairing and sales); mover warehouses.

Newspaper printing; noodle manufacturing; notions (manufacturing, wholesale); novelties (manufacturing and wholesale); nuts (edible, processing).

Office equipment manufacturing (see also business machines); optical goods manufacturing; ornamental metal work (custom hand fabrication); orthopedic appliances manufacturing; overall manufacturing.

Packing, crating service fabrication; painter's equipment and supplies (shops, wholesale and storage); paper (storage); paper products (wholesale and storage); pattern shop; paving contractors equipment and storage; paving materials storage yard; photo-engraving company; pickles (processed, wholesale and storage); pipe (used, storage and sales); plasterer (wholesale and storage); popcorn manufacturing, potato chips manufacturing, poultry supplies (wholesale and storage); printers equipment and supplies; wholesale produce (garden); wholesale produce (warehouse); pumps (repairing and rental); printer.

Quick Freeze Plant; quilt (manufacturing).

Radio equipment assembling, radio repair shop; refrigeration equipment custom installation, refrigerators (wholesale, storage); restaurant equipment installation and repair, road building equipment (storage yard); rubber stamps manufacturing.

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Scaffolds (equipment and storage); scales (commercial, weighing); school equipment and supplies (wholesale); screen, doors and windows manufacturing; screw and bolt manufacturing; seed (wholesale and retail garden supplies); septic pipe (contractors, construction); service station equipment (wholesale); sewer pipe storage; sheet metal work (custom fabrication); shirt factory; shoe repairing equipment and supplies (wholesale); shoe manufacturing; sign erectors (contractors, shops); sign painters; sign maintenance service shops; sign (neon and metal fabrication); sky lights (custom manufacturing); slip covers (custom manufacturing); soaps (wholesale and storage); sporting goods manufacturing; soda water manufacturing; specialties (see coin machines); spices (wholesale and storage); spraying supplies equipment yard; springs (replacement and repair); stair builders (wood); steel awnings (custom manufacturing); steel erectors equipment yards; steel fabricators (light section); storage warehouse; storage shops; store and office fixtures (contractors shops); stove and ranges (wholesale and storage); surgical supplies (wholesale distributors).

Tank coating equipment yard, tanks (erection, contractors yard); taxidermists; tents and awnings manufacturing; termite control contractor shops; terrazzo contractor shops; thermometers manufacturing (wholesale, storage); tool grinding and sharpening; tools (wholesale and distribution); towels (supply and service); tractors (rentals); trailers (repairing); transfer business; truck freight movers (see express also).

Underwear (wholesale and manufacturing); upholsterers (custom).

Wall board (wholesale and storage); wallpaper manufacturing; warehouses; watches manufacturing; water (distilled, processing); water coolers drinking or curative, bottling distribution); water coolers (drinking fountains, repair and service); water heaters (service and repairing); water softening equipment (service and repairing); water supply systems (contractors shops); water proofing (material storage); weighers (commercial); welding (commercial); welding (equipment and supplies storage); well drilling (equipment yard); wholesale produce (storage and market); commercial winches (equipment rental); window display (installations, studio and shops); wines (storage, bottling and wholesale); wood (storage yard); woodworking (cabinet and custom millwork); wood working (equipment, wholesale); woven goods (fabrication and assembly).

Other uses of like nature

Conditionally Permitted Uses:

Extraction of Stone, Minerals, and Top Soil (see Section 406)
Prospecting Oil and Gas (see section 413)

803 BUILDING HEIGHT

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

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804 LOT AND YARD REQUIREMENTS

804.01 LOT AREA

Every lot in an LI-1 District shall contain a minimum of two (2) acres (87,120 sq ft) and a minimum frontage and width of two hundred (200) feet provided that central water and an Ohio EPA approved sewage treatment system is available.

804.02 CORNER LOTS

The building setback on corner lots shall be one hundred (100) feet from the centerlines of both street right-of-way lines. The remaining yards shall conform to the provisions contained herein.

804.03 YARDS REQUIRED

Yards of the following widths or depths shall be provided for all permitted uses unless otherwise permitted by tis Resolution.

- a. Front Yard – The minimum setback building line shall be one hundred (100) feet from the center line of the street right-of way line, and shall be appropriately buffered (see section 807 – Buffering). Such minimum space shall remain open and unoccupied by any principal or accessory building or other 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 (5) feet as measured from the side lot line to the nearest point of any structure. Where the lot line abuts any residential district shall be appropriately buffered as per section 807 – Buffering. Such space shall remain open and unoccupied by any principal or accessory building.
- c. Rear Yards – There shall be a rear yard of not less than seventy-five (75) feet. Rear yards used for parking shall be shall be improved with acceptable road materials (gravel, concrete, asphalt) to provide a relatively dust free and durable surface and shall be graded and drained to dispose of all surface water in the area. For those lots with rear lot lines abutting any residential district, there shall be a rear yard of not less than one hundred (100) feet. This area shall be appropriately buffered as per section 807 – Buffering and shall remain open and unoccupied by any principal or accessory building.

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804.04 PERCENTAGE OF LOT COVERAGE

Buildings together with their accessory uses in an LI-1 District shall cover not more than forty (40%) percent of the area of any lot.

805 SUBMISSION OF PLANS

The provisions of section 309 – General Regulations – Submission of Plans, shall be in full force and effect in this District.

806 STREETS, SEWERS AND WATER LINES

All streets, sewers, and water lines in any LI-1 industrial district shall meet County standards. As a condition precedent to the issuance of a zoning certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in the streets abutting lot lines as approved by the County Engineer.

807 BUFFERING

807.01 INTENT

The intent of this section is:

To extend space or screen undesirable views to reduce the impact of the one land use upon another.

To increase soil and water retention through landscape requirements.

To protect and preserve the appearance and property values of residential uses from adverse effects of adjoining non-residential uses.

To supplement land use planning and not be considered as its substitution.

807.02 PURPOSE

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

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807.03 DEFINITIONS

a. Landscaping – Living material including but not limited to grass, ground covers, shrubs, vines, hedges, trees and non-living durable material commonly used in landscape development.

b. Screen – Plant material or other non-living durable material including but not limited to walls, berms, or wood fencing of a decorative type.

c. Shrubs – Self-supporting, deciduous, and/or evergreen species, normally branched near the base, bushy, less than fifteen (15) feet in height, as normally grown in Lorain County.

d. Trees – Self-supporting woody, deciduous and/or evergreen plants with a well-drained central stem or species which normally grow to a height of fifteen (15) feet or more in Lorain County.

e. Vines – Plants which normally require physical support or reach mature form.

807.04 GENERAL PROVISIONS

a. Materials – Landscape buffering may include but shall not be limited to trees, shrubs, bushes, grass cover, earth berms or a combination thereof.

b. Screening – Screening shall consist of plant material or other non-living durable landscape material.

c. Buffered Areas

1) Location and Width – Buffering areas shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district and shall be a minimum of ten (10) feet in width.

2) Use – Designated buffered areas shall be used for no other purpose than plantings or screening except necessary ingress or egress to or from the buffered area.

3) Design – A buffered area shall be designed to permit access to easement tracts to the grantees to perform the functions for which such easements were granted and facilitate the use of such easement areas for fire protection purposes.

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d. Fences and Walls – Fences shall be acceptable as part of a landscape buffer, where traffic noise and light create a need for a buffer. When used, they shall have a decorative style and type. Walls and berms should be used only in most unusual cases, as one of several options to the developer to fulfill the buffering requirement.

e. Natural Plantings Requirements – Where natural plantings are used to provide a landscape buffer, such plantings shall provide no less than sixty (60%) percent, when viewed from two (2) to ten (10) feet above ground level.

f. Buffering Effect – The desired buffering effect shall be achieved no later than twelve (12) months after the initial installation. The Zoning Commission may extend this period of time where a hardship would be created because of expected growth or material shortages, but in no event shall the Zoning Commission extend such period beyond five (5) years from the time initial installation was to have been installed.

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

807.05 APPLICABILITY

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

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

807.06 PROCEDURES

a. When an application for Zoning Permit is made, the Zoning Inspector shall determine if the buffering requirement might be applicable. If he/she determines that the request comes under the buffering requirements, the Zoning Inspector shall advise the applicant of this fact

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and shall submit a request to the Zoning Commission that the matter be reviewed once the applicant has furnished the Zoning Commission with the following:

- 1) A copy of the site plan.
- 2) Topography of the building site and surrounding area.
- 3) A complete description of the area to be constructed or modified.

b. The applicant shall provide to the Zoning Commission, a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.

c. Where buffering is required, a Zoning Permit shall not be issued by the Zoning Inspector until an agreement has been reached with the applicant and the Zoning Commission as to the buffering requirement. The agreement between the Zoning Commission and the owner and/or developer shall include among other requirements, the following:

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

807.07 PERMITTED SIGNS

The provisions of Article X, Signs, shall apply in this District.

807.08 OFF-STREET PARKING, LOADING, AND DRIVEWAYS

The provisions of Article XI, Off-Street Parking, Loading Facilities, and Driveways shall apply in this District.

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807.09 GENERAL REGULATIONS

The provisions of Article III, General Regulations, shall apply in this District.

807.10 SUBMISSION OF PLANS

The provisions of Section 309, General Regulations, Submission of Plans, shall be in full force and effect in this District in addition to those requirements noted in Article III.

Article IX

FLOOD PLAIN ZONE REGULATIONS, FP-1

901 PURPOSE

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

902 PERMITTED USES

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

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

903 CONDITIONALLY PERMITTED USES

The following use of land and structures may be permitted by application for and issuance of a Conditional Zoning Permit by the Board of Zoning Appeals after recommendation by the County Engineer or other appropriate agency and further provided that the use pattern and the structures proposed shall:

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- 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, cantilevering 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 floodwaters and to minimize the impeding of the natural free flow of the floodwaters.
- B. Be constructed under said Conditional Use Permits so as to have minimum first floor elevation of not less than three (3) 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 building 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 411)

Plant Nursery (see Section 412)

Recreational Campgrounds (see Section 414)

904 SUBMISSION OF PLANS

The provisions of Article III, Section 309, "Submission of Plans", shall apply in this District.

905 TOWNSHIP LIABILITY

Brighton Township shall incur no liability whatsoever by permitting any use of building within a Flood Plain within the Township.

906 PERMITTED SIGNS

The provisions of Article XI, "Signs", shall apply in this District.

907 OFF-STREET PARKING AND LOADING

The provisions of Article XI, "Off-Street Parking, Loading Facilities, and Driveways", shall apply in this District.

908 GENERAL REGULATIONS

The provisions of Article III, "General Regulations", shall apply in this District.

909 CONSTRUCTION REQUIREMENTS

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

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ARTICLE X, SIGNS

1001 INTENT

It is the intent of the Township, in setting forth requirements contained in this article to promote and protect the public health, safety, and welfare of the citizens of the Township through the establishment of a comprehensive code regulating signs of all types within the Township. The general objectives of this are as follows:

- A. to provide for the reasonable and appropriate conditions for the identification and advertising of goods and services rendered in the community, and to regulate such identification and advertising so that lives, property values, and environmental, social and cultural amenities within the Township will be preserved and protected;
- B. to encourage a coordinated system of public and private informational and directional signs of effective design which aid orientation, identify activities and points of interest, express local character and history, and which serve other educational purposes as provided for by these regulations;
- C. to promote clarity, and thus effectiveness, in sign communications by encouraging signs of high quality graphic design that are visible, legible, and readable as provided for by these regulations;
- D. to preserve local community identity and enhance civic pride in the natural beauty, environmental character, and visual quality of the landscape;
- E. to encourage signs that are compatible with the design and materials of the building on which the sign is to be located or to which it is related;
- F. to assure among businesses an equitable distribution on the right to identify a place or activity with a visible on-premise sign by preventing signs which block other signs and cause confusing visual clutter;
- G. to encourage signs of high quality graphic design that are both expressive of the individual business and in accord with the general environmental character of the zoning district and neighborhood within which they are located;
- H. to protect the individual privacy through the control of light intensity and glare emitted from illuminated signs;
- I. to eliminate hazards caused by signs projecting over public rights-of-way

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- J. to eliminate the distracting conflicts between private signs and public information and traffic control signs and lights;
- K. to provide for periodic maintenance of all signs and removal of illegal and abandoned signs.

1002 APPLICABILITY

- A. Within the limits of the Township, no sign shall hereafter be erected, altered, or moved unless it conforms with the provisions of this Article.
- B. Signs that are lawfully in existence and in use prior to and at the time of adoption of this Article and do not conform to the provisions stated herein may remain in use for a limited period of time as defined herein in accordance with section 1004 of this Article, "Nonconforming Signs". Any lawfully existing sign, however, shall not be rebuilt, reconstructed, or altered, with the exception of copy change or maintenance, as provided in Section 1004, unless it conforms to the provisions of this Article.

1003 EXEMPTIONS

- A. Flags of emblems of a government or of political, civic, philanthropic, educational or religious organizations.
- B. Public notices and other governmental signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation, including legal notice, traffic control signs and lights, or similar regulatory devices, are exempted from the requirements of this ordinance; although such signs should conform to the general intent of the requirements of this ordinance. Public Informational Signs shall also be exempt, with approval by the Trustees.
- C. Christmas display lighting, decorations, and displays clearly in the nature of decorations customarily associated with any national, local, or religious holiday, shall be exempted from the requirements of this zoning ordinance. Such displays shall not interfere with the public safety, safe visibility of any traffic control sign, light or device, or obstruct vision at a street intersection or railroad crossing.
- D. Memorial plaques, historic markers and graphic murals, monuments, tablets, and corner stones displayed on private property to include names of buildings, date of erections, monumental citations, historic notations, and commemorative tablets, when attached or applied to or made a permanent and integral part of the structure.
- E. Street numerals and nameplate signs, denoting the name and address of the occupants normally part of the mailbox which would allow close proximity to the road

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1004 NONCONFORMING SIGNS

Any sign lawfully in existence within the Township prior to the effective date of this Article, that would be prohibited or regulated and does not meet the provisions of this Article in considered to be nonconforming. It is the intent of this resolution to permit these lawfully placed nonconforming signs to continue in their nonconforming status for a limited period of time as defined herein, provided the sign was issued a valid Zoning permit as stipulated in Section 1012 of this zoning resolution, "Administration; Enforcement"; or, where no permit was required under Article X the sign in question must comply in all respects with all applicable laws in existence on the date of erection of the sign. It is not the intent of this Article to encourage the continued use and survival of nonconforming signs; but rather, to provide for the amortization and removal by the owner of such signs or replacement of these signs with new signs which conform with the provisions herein.

To prevent unjust economic hardship while bringing all signs within the Township into compliance with the new sign regulations contained herein, nonconforming signs shall be allowed to continue in use for a limited period of time as follows subject to the provisions herein:

All off premise or on premise signs determined by the Zoning Inspector to be traffic hazards or which conflict with traffic control and public information signs or light signals so as to jeopardize the public health, safety or welfare shall be removed or brought into compliance with the regulations of this Article within ninety (90) days after written notice from the Zoning Inspector.

All nonconforming on-premise signs in the Township shall be removed or otherwise brought into full compliance with the applicable regulations herein within five (5) years of the effective date of this ordinance.

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

The size and structural shape shall not be changed or altered unless brought into compliance with the applicable regulations herein.

The copy may be changed provided that the change applies to the original intended use associated with the sign and that the change is made by the owner of the sign at the time the sign became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance with this Article.

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In the case where damage occurs to the sign to the extent of fifty (50%) percent or more of either the structure or the replacement value of the sign, the sign shall be removed or brought into compliance. Where the damage to the sign is less than fifty (50%) of the structure or its replacement value, the sign shall be repaired within sixty (60) days.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming signs existing therein.

1005 ABANDONED SIGNS

If any sign shall become abandoned, in a manner defined herein, such a sign is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign is defined as any sign that meet any one of the following criteria:

- A. Any sign associated with an abandoned nonconforming use or an abandoned service station.
- B. Any sign that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- C. Any sign that is not maintained in accordance with Section 1007, "General Sign Requirements for all Districts".

All abandoned signs shall be removed within thirty (30) days. Whenever the Zoning Inspector or his authorized representative finds upon investigation a sign which has been abandoned as defined herein, and has not been removed within thirty (30) days of abandonment, he shall hold a hearing on the question of abandonment. a notice of the date of such hearing shall be sent to the owner of the property or sign in question or his agent stating that the sign in question is believed to be abandoned and has not been removed within the allotted thirty (30) day period, and is in violation of the Zoning Resolution sign regulations. It shall be the duty of the Zoning Inspector to maintain a photograph and file of said sign together with a written report of the findings of the aforesaid hearing. The Zoning Inspector shall serve a written notice on said owner or lessee stating the findings of the hearing with respect to the determination if the sign in fact has been abandoned. If it has been determined by the Zoning Inspector at the hearing that the sign in question has been abandoned, said notice shall state the unless the owner or lessee thereof shall cause the removal of the abandoned sign within thirty (30) days after service of said notice, the same will be removed by the Township at the expense of the owner or lessee. If the Township is not reimbursed within thirty (30) days for such costs, the amount thereof shall be certified to the County Treasurer and levied as a special assessment against said property on which the sign

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is located and shall be collected in the manner provided for special assessments.

1006 ILLEGAL SIGNS

Any sign that does not conform with the provisions of this Article and cannot be categorized as nonconforming under Section 4 above shall be existing illegally. Whenever the Zoning Inspector or is authorized representative find upon investigation a sign which is existing illegally as defined herein, he shall hold a hearing on the question of illegality in the same manner as that for abandoned signs set forth in Section 1005.

1007 GENERAL SIGN REQUIREMENTS

Unless otherwise specifically stated, the general sign regulations contained in this section shall apply for all Zoning in the Township, except as exempted in Section 1002.

A. The area of a sign shall be determined as follows:

1. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. The supporting framework and bracing shall not contain any lettering, wording, or accompanying designs and symbols. The area of any sign containing two parallel surfaces which are separated not more than one (1) foot shall be construed to be the area of one side only.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, working, and accompanying designs or symbols together with any background of a different color than the natural color of the building.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall or surface of a window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.

- B. Signs shall not be traffic hazards. No sign shall be constructed, located, positioned, or illuminated so as to block from view, imitate, or interfere with the effectiveness of any official traffic sign, signal, or light; obstruct the view of a street, intersection, curve, or railroad crossing; or otherwise promote a demonstrable traffic hazard.

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- C. Freestanding signs (ground signs or pole signs),.
1. No freestanding sign shall be located within or project over a public right-of-way or any public property, provided that no portion of such sign shall be within 20 feet of any public right of way or any public property. Signs of a historic design are conditionally permitted.
 2. Signs shall have no more than (2) faces.
 3. There may only be (1) freestanding sign for each building regardless of the number of activities conducted in said building.
 4. The height of freestanding signs shall not exceed the height for any building or structure eaves within the lot or parcel.
- D. No sign shall be placed on the roof or extend above the roof eaves, parapet wall, or an extended façade of any building; roof signs are not permitted in any district.
- E. All signs and portions thereof shall be stationary. There shall be no moving parts and no moving, spinning, or fluttering accessory devices.
- F. All signs shall be safely and securely built and installed. Signs must be maintained in good repair at all times by the owner or person in charge thereof. It is their responsibility to keep-up any periodic maintenance required and have the sign removed if it becomes obsolete no longer displaying valid information otherwise it will be subject to a zoning inspection.
- G. Bulletin boards (signs with changeable lettering) and signs for a church, school, community or other public or semipublic institutional building shall be permitted
- H. A sign for a conditional use shall be constructed and maintained as approved at the time the conditional use is approved.
- I. No sign of any classification shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window that would restrict any emergency egress.
- J. Trash containers, telephone booths, benches, planters, and other street furniture located in public rights-of-way or on other public properties shall not be used to post signs.
- K. Utility poles, distribution boxes, vent pipes, RR gates, and other such utility owned equipment are not the direct property of the Township or the individual property owner. They should not be used to post signs except for caution, warning, or identification information posted by the utility
- L. No sign shall be placed in or extended over any public rights-of-way or other public property except publicly owned signs such as traffic control signs and public informational signs

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- M. Signs directing and guiding traffic and parking for public safety and convenience on private property by bearing no advertising matter may be permitted within a public right-of-way as a conditional accessory.
- N. Fascia (wall) signs shall not extend beyond the ends or top of the building wall to which it is attached nor shall the face of the sign be set out more than one (1) foot from the face of the building to which it is attached. In addition, the edges of fascia signs shall be no closer than one (1) foot to the ends of the wall to which it is attached.
- O. A sign shall not be placed in a manner which obstructs the view of neighboring signs or public informational and traffic control signs.
- P. A sign shall not obscure a scenic landscape vista or obscure the views of other significant amenities from public rights-of-way and other public property.
- Q. Occupants (business, office or residences) of a building which are located in premises above the ground floor in a multistory building or which jointly occupy a ground floor space with a single common exterior entrance and which have access from the interior of the building shall be identified only by the name of the building on the exterior and a single permitted exterior sign listing all tenants of the building, or interior signs. If such occupants' premises above the ground floor level have access via a private exterior entranceway, an individual identification sign may be permitted on the exterior of the building adjacent to the entranceway on the ground floor level.
- R. Signs shall be lighted only by any continuous light, and no sign shall be illuminated by or contain flashing, intermittent, rotating, blinking, or moving light or lights; except for a safety warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Illumination shall not be of excessive brightness or cause glare of reflection hazardous to pedestrians or vehicular traffic, or be an objectionable nuisance to adjacent properties. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices; otherwise, colored lights of stationary nature may be used.
- S. The total cumulative area of all signs located on a property and the buildings on the property shall not exceed the amount allowed for that property by the regulations contained within this ordinance.
- T. Signs which contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency are not permitted.
- U. A permanent sign on the inside of a glass window is permitted with its size limited to thirty (30%) percent of the total glass area.
- V. The registered trademark of a specific commodity may occupy no more than twenty-five (25%) percent of the area of a sign.

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1008 PERMITTED SIGNS

Signs shall not be erected, placed, painted, repainted or hung in a any district except as hereinafter provided. Signs that are not specifically permitted in this ordinance are hereby prohibited. Every person shall, before erecting, placing, rebuilding, reconstructing, altering, or moving any sign, obtain from the Zoning Inspector a Zoning Permit to do so as provided in this Zoning Resolution.

1009 SIGNS NOT REQUIRING A PERMIT

- A. The following signs are permitted in the Township and do not require a building permit, but will still meet the “General Sign Requirements” of this Article.
- a. Signs under 1 sq. ft. such as “Beware of Dog”, “Farm Bureau Member”, “ADT Security”, etc.
 - b. An identification sign painted or attached to an awning.
- B. TEMPORARY SIGNS are those not of durable construction and intended for only a limited period of display. However, the public safety will not be jeopardized with their placement or use as noted throughout this Article.
1. Real Estate signs advertising the sale, lease, rental of the premises upon which the sign is located. Upon the sale lease, or rental of the premises upon which the sign is located, such real estate sign shall be removed immediately. No real estate signs announcing that the premises upon which such signs are located have already been sold, rented, or leased shall be erected or maintained within the Township.
 2. Event signs announcing any educational, charitable, civic, religious, or like campaign or event may be erected or used for a limited period of time
 3. Construction or Production signs identifying parties involved in construction on the premises may be displayed and removed after completion of construction.
 4. Garage, yard, and rummage sale signs shall be posted on premises only, and removed thereafter.
 5. Political signs advocating the election of a candidate of candidates or the passage of disapproval of an issue shall be governed by the following provisions of this Article.

No such political signs shall be posted in any place or in any manner that is destructive to public property upon posting or removal or any public

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utility pole, tree, or other existing structure within public rights-of-way, or on any existing sign, highway overpass, or bridge abutment.

No political sign shall obstruct the view of a street intersection, railroad crossing or any traffic control sign, light, or device, or otherwise promote a demonstrable traffic hazard.

All candidates for public office, their campaign committees, or other persons responsible for the posting of campaign material shall remove such material after the election day involved. Failure to remove such signs as required herein shall be deemed a violation of this ordinance.

6. Portable signs for use announcing a new business or events, built on a wheeled frame (often rented) or a simple stand not permanently anchored to the ground.

1010 ZONING PERMIT APPLICATION PROCEDURE FOR SIGNS

- A. Application for a zoning permit to rebuild, reconstruct, alter, or move any sign, as required herein, shall be made upon forms provided by the Zoning Inspector and shall contain or have attached thereto the following information:
 1. The name, address and telephone number of the applicant;
 2. The location of the building, structure or lot to which or upon which the sign is to be attached or erected;
 3. The position of the sign on relation to nearby buildings or structures and neighboring signs;
 4. Two (2) scale drawings, blueprints or ink, of the plans and specifications and the method of construction and attachment to the building or the method of installation in the ground;
 5. The name of the person erecting the sign;
 6. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
 7. Such other information as the Zoning Inspector shall require to show full compliance with this and all other resolutions of the Township.

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B. Issuance of Permit

It is the duty of the zoning Inspector, upon the filing of an application for a sign zoning permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all the requirements of this resolution and all other resolutions of the Township the sign zoning permit shall be issued. If the work authorized under a sign zoning permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

C. Authority to Revoke

The Zoning Inspector is hereby authorized to revoke any Zoning permit issued for a sign upon failure of the holder thereof to comply with any provisions of this chapter.

1011 PENALTY FOR VIOLATION

- A. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this article, or upon complaint and investigation, the Zoning Inspector should notify in writing the owner, lessee thereof to alter such sign so as to comply with this article. Failure to comply with any of the provisions of this article shall be deemed a violation.
- B. In case the violation or findings of the Zoning Inspector can not be resolved, an official "Warning Letter" in writing will be issued and it will be the obligation of the sign owner or lessee to request a hearing by the Township Board of Zoning Appeals within thirty (30) days. In the case no resolution is reached, the issue may be brought to the Township Trustees for a final decision.
- C. Any person, firm, or corporation violating any provisions of this sign article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined according to the penalty laws of Section 519 of the Ohio Revised Code. Each day's continuation of a violation of this resolution shall be deemed a separate offense.

Article X, Table 1

Type of Sign	Max. No. of Signs	Max. Size / Height		Min. Distance from Road / from Side Lot		Duration (Days) Before / After
<i>Exempted Signs</i>						
Flags						
Government / Public Notices	N/A					
Holiday Displays	N/A					
Memorial / Historic Plaques		12 Sq Ft				
Street Numerals, Nameplates		12 Sq Ft				
<i>Permitted Signs</i>						
Fascia or Side of Building	N/A	Limits of Structure		N/A		
Free Standing (1 or 2 Post)	1 Sign 2 Sides	40 Sq Ft	10 Ft Max or Height of Building **	20 Ft	10 Ft	
Bulletin Boards		16 Sq Ft		20 Ft	10 Ft	
Professional Activities Home Business		6 Sq Ft		20 Ft	10 Ft	
Traffic / Directions		6 Sq Ft				
Multi-Occupants		6 Sq Ft				
Window (permanent)	N/A	30 % Window Area		N/A		
<i>No Permit Required</i>						
Property Information (under 1 Sq Ft)	5	1 Sq Ft				N/A
Awning		8" Lettering / Roof Line		Located on Building		N/A
Real Estate		6 Sq Ft				5 Days After
Event Signs						30 Days / 5 Days
Construction / Production		9 Sq Ft				5 Days After
Garage / Rummage Sale		9 Sq Ft				5 Days / 5 Days
Political Signs						30 Days / 5 Days
Portable Signs						60 Day Limit

** See Section 1007, C, which contains additional information and restrictions.

Revision: November 15, 2012, Accepted by Lorain County Planning Commission, Case ZC-2012-15
Revision: June 10, 2013, Approved by Brighton Township Trustees

Article XI

OFF-STREET PARKING, LOADING FACILITIES, and DRIVEWAYS

(for All Districts)

1101 GENERAL REQUIREMENTS

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

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

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

D. Uses – Parking and loading areas shall be used for parking spaces, loading spaces, driveways, access aisles, landscaping and for no other purposes.

E. Traffic Control – A plan for traffic control both inside and outside the parking area or loading zone shall be prepared for each area. Access drives shall open onto feeder streets and not onto main thoroughfares unless drives to feeder streets cannot reasonably be made available. Where practicable, any access drive opening onto a main thoroughfare shall be used as an entrance only, and an access drive opening upon a feeder street shall be used as a combination entrance and exit. Access drives shall be located away at a twenty-five (25) foot minimum from street intersections

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1102 PARKING SPACE DIMENSIONS

A. 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.

B. Minimum Size and Number – Each parking area shall include two (2) or more parking spaces for each residence in RI-1 Districts (four (4) for two (2) family dwellings; two (2) for each unit). All other non-residential Districts shall have a minimum of five (5) parking spaces. Any layout or design may be reviewed. For any new construction or alterations, reference shall be made and documentation submitted for the number of spaces, traffic patterns, physical layout of design, and other features for submission to the Zoning Inspector and/or Board of Zoning Appeals (BZA) in the Plan (see 1131, Plot Plan Review), confirming requirements from a nationally accepted handbook or standard such as:

“American Planning Association” (APA), Chapter5, Parking Lot Design

“American Institute of Architects” (AIA), Parking Planning

“Architect’s Handbook of Professional Practice”, Parking Planning

National Institute of Building Sciences, “Whole Building Design Guide” (WBDG),
Parking Facilities

“Landscape Architectural Graphic Standard”, Parking Standards

International Code Council (ICC), “Off-Street Parking”

1103 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height 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 (5000 sq ft) square feet. One loading space shall be provided for each additional ten thousand (10,000 sq ft) square feet or fraction thereof (refer to handbook material, see 1102, (B)).

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B. No such space shall be located closer than fifty (50) feet to any residence within any R-1 District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted fence not less than six (6) feet in height and provided such wall or fence is located no closer than ten (10) feet from a lot in an RI-1 District which intervening area shall be landscaped and properly maintained at all times.

1104 PAVING / GRADING

The required number of parking spaces and loading spaces as set forth in this Article and Plot Plans together with driveways, aisles, and other circulation areas, shall be improved with acceptable road materials (gravel, concrete, asphalt) to provide a relatively dust free and durable surface.

1105 DRAINAGE

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

1106 MAINTENANCE

The owner of the property used for parking and/or loading shall maintain such area in good condition without holes and free of excess dust, trash, and other debris, along with needed landscaping, trimming, and maintenance of any screening.

1107 LIGHTING

Any parking or loading 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 or loading area shall be so arranged as to reflect the light away from the adjoining properties and any public street.

1108 LOCATION OF PARKING SPACES

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

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

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- b) Parking spaces for commercial, industrial, or institutional uses shall be located not more than five hundred (500) feet from the principle use. Parking lots farther than five hundred (500) feet from the principle use may be approved by the Zoning Board of Appeals (BZA).
- c) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than two hundred (200) feet from the principle use.

1111 DISABLED MOTOR VEHICLES

- A) Automobile junk yards, automobile grave yards, or junk yards are NOT permitted in any R-1 or GB-1 District in Brighton Township.
- B) No motor vehicle shall be parked in a front yard area, other than a driveway or parking area except for temporary parking for visitors or guests.
- C) No more than a total of two (2) vehicles being: “disabled motor vehicles” (salvage, wrecked, or those missing major components per definition and ORC 505.173 E) or “un-licensed” motor vehicles shall be permitted except for an approved commercial automotive or repair business in a GB-1 or LI-1 District.
 - 1) Any disabled motor vehicles shall be removed or located in an enclosed garage or accessory use structure within two (2) months of their acquisition. A tarp over a motor vehicle does not constitute a garage or structure.
 - 2) A collector, hobby, or project vehicle will be considered a disabled vehicle if it meets the definition.
 - 3) If not parked in a driveway or parking area, disabled or un-licensed motor vehicles may be temporarily stored on side yards (maintaining a minimum ten (10) feet from the lot line) or rear lot area while maintaining the general landscape.
- D) Unless located in a GB-1 or LI-1 District as an approved business involving vehicles and/or storage, vehicles shall be registered and/or titles in the occupants or property owner’s name or their lending institution.

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E) Abandoned Vehicles

The Zoning Inspector and/or Township Trustees shall contact the Lorain County Sheriff's Department for removal of any abandoned vehicles within the Township.

Reference Ohio Revised Code (ORC) Sections: 505.173

505.871

4513.63

4513.65

1112 Trailer and Boat Parking (Non-Motorized Vehicles)

Definition; Non-Motorized Vehicle: Sport utility trailers, travel trailers, boat trailers, all fall into this "non-motorized vehicle" definition. Examples would include travel trailers, fifth wheel trailers, folding camper trailers, sport utility trailers, boat trailers, horse trailers, general purpose car hauling and enclosed trailers, camper top shells as examples where there are others.

Outdoor storage of utility trailers, travel trailers, and boats etc. shall be located in a parking area, driveway, side yard (with 10 foot clearance or set-back) or rear lot area. They may be in the front yard area for no longer than seven (7) days for cleaning or maintenance activities.

Unless located in a GB-1 District as an approved storage business, trailers & boats shall be registered and/or the property of the occupants or property owners where otherwise they would be prohibited from operating a storage business for other persons.

If trailers and/or boats are left deteriorated and inoperable, they could be determined to be a "junk vehicle" and subject to storage in an enclosed structure, garage, or removal.

1121 DRIVEWAYS

A. No driveway or access road shall be constructed less than five (5) feet from the side lot line in all Districts.

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B. A driveway shall be a minimum of twelve (12) feet in width for its entire length from the roadway to the dwelling unit or garage, whichever is furthest from the road. There shall be a minimum twenty-four (24) feet long culvert constructed of suitable piping at the roadside ditch entry to the driveway. All driveway piping and grading of the road ditch shall conform to either Township, County, or State standards, and shall have a driveway permit.

1) Township road access requires a driveway permit issued by the Brighton Township Zoning Inspector. Due to past issues, the permit fee includes installation of culvert pipe and the first twenty (20) feet of gravel driveway, installed by the Township or its contractor.

Non-driveway open land or agricultural road access must not impede roadway ditch drainage or flow. Installation of any culvert pipe requires a permit, with no fee, and construction plans and completed work approved by the Township Zoning Inspector.

All township driveway permits are forwarded to the County Engineers Office for their review as required.

2) County road access requires a driveway permit issued by the Lorain County Engineers office with approved construction by the Lorain County Engineer.

3) State Route and highway access requires a driveway permit by the Ohio Department of Transportation (ODOT), form MR 505, and shall meet the requirements specified. At the discretion of ODOT, this may be overseen by the Lorain County Engineers office.

The Brighton Township Zoning Inspector shall be notified that the proper permit application and/or approval were received from Lorain County or ODOT for driveways off County, State Routes, or highway roadways so the Township is aware of any planned construction activities.

Prior to any excavation in the road right-of-way, the Ohio Utilities Protection Service (OUPS) MUST be contacted in accordance with Ohio Revised Code (ORC) Section 3781.25 to 3781.32. OUPS can be reached at **1-800-362-2764**. A call must be made to the OIL & Gas Producers Underground Protection Service (OGPUPS) at **1-800-925-0988**.

C. Adequate space shall be maintained for the turning around of emergency vehicles if the driveway has curves, or extends more than one hundred and fifty (150) feet from the edge

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of the road. This shall be a spur, twenty (20) feet minimum in length off the main driveway located in the final one third (1/3) of the driveway length approaching the primary structure.

D. Fences, walls, gates, and any other improvements shall be placed no closer to either outer edge of the driveway than three (3) feet. Fences, walls, and gates shall meet the height and location requirements in General Regulations, Section 305.01 or for screening specifically specified by Conditional Permits around Parking and Loading Facilities in GB-1 and LI-1 Districts.

E. Planting and/or natural vegetation growth shall be maintained by occupant or owner so as to be no closer to either outer edge of the driveway than three (3) feet.

F. Driveway Slope – The maximum slope of any driveway or ramp shall not exceed twenty (20°) degrees.

G. Driveway beds shall have a minimum six (6) inch bed of crushed stone or gravel and certainly may be paved (asphalt, brick, concrete, etc.). Driveway beds shall be expected to sustain a temporary weight of 25 tons (50,000 lbs) for an ambulance or fire district pumper if required for emergencies. Consideration should be given to a 34 ton (68,000 lb) weight limit for the fire district ladder truck or water tanker which might be required for larger or multiple structure emergencies.

H. A limit of two (2) commercial vehicles are permitted to be parked outdoors in any R-1 residential non-farm parcel provided they have adequate room in the driveway and/or parking area.

1122 PRIVATE BRIDGES

A. No person shall construct a bridge on their property which is intended for vehicular travel, especially emergency vehicles (ambulances and/or fire trucks), without a building permit. Construction plans including the maximum volume and flow of water in drainage ditches, creeks, and rivers that will not be impeded, must also be submitted and approved by the Lorain County Engineers office.

B. Entrance to and exit from the bridge shall be maintained as specified in Article XI, Section 1121 (D) (E).

C. Structural type bridges shall have a minimum width of fourteen (14) feet to allow for a one (1) foot buffer zone on each side of the twelve (12) feet minimum width requirement in Article XI, Section 1121 (A). Culver type pipe(s) bridges shall be constructed with a minimum twenty-four (24) feet of pipe crossing the driveway width.

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D. Multiple dwellings shall utilize their independent driveways and shall not share private bridges.

E. Bridges shall be designed and constructed to support a minimum load limit of 24 tons (50,000 lbs) for the fire district pumper and ambulance trucks. Consideration should be given to a 34 ton (68,000 lb) capacity for the fire district ladder truck and/or water tanker trailer which might be required for larger or multiple structure emergencies.

It is at the discretion of emergency services crews if a bridge is fit for use and can be safely crossed or not. Reflective markings, load limit identification, and periodic review of bridge inspections with the fire and ambulance district is strongly recommended.

F. Initial bridge designs and plans shall be approved by a certified professional engineer registered in the state of Ohio.

G. It is the property owners responsibility to maintain bridge decking and under-structure at all times. It is the obligation of the property owner to maintain history records on the bridge structure including certified bridge inspection reports by a licensed engineer or certified bridge inspector every five (5) years as a minimum.

1130 GENERAL INTERPRETATIONS

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

- A. Parking facilities, loading zones, and driveway access for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Board of Appeals (ZBA).
- B. Fractional numbers shall be increased to the next whole number.

1131 PLOT PLAN REVIEW

Whenever a driveway, parking facility, loading zone, or private bridge is required for a given use under the requirements of this Article, plans and specifications for the construction or alteration 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 features essential to the complete design and construction of the driveway, bridge, or parking/loading area. Supporting information and reference to the handbooks, guidelines and standards in section 1102 (B) is required for any new construction or alterations.

Article XII

ADMINISTRATION - ENFORCEMENT

1201 ZONING PERMITS

1201.01 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 therefore, issued by the Zoning Inspector that does not conform with the provisions of this Resolution unless he receives a written order from the Zoning Board of Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

1201.02 CONTENT OF APPLICATION FOR ZONING PERMIT

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months and work shall be completed within two (2) years from the date on the permit. 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. Indicate the location of underground fuel tanks.

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- k. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

1201.03 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 six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One copy of plans, similarly marked shall be retained by the Zoning Inspector for follow-up inspections and the township file. The Zoning Inspector shall have his/her copy of the plans and permit available during any follow-up inspection(s) and the primary contractor or sub-contractors shall have a copy of the plans and permit available or obtainable for review from the original submitter or property owner in case questions arise concerning the use or alteration being in conformance with the provisions of this Resolution and any conditions falling outside the footprint of the original permit.

No alterations or additions expanding the original footprint or conditions of the permit after final approval shall be allowed. An additional permit for some addition or expansion needs to be applied for or a totally new permit needs to be issued with appropriate fees as required (reference Section 1206).

1201.04 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any zoning permit issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from a point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred and twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he/she 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 and twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if application in in conformance with all provisions of this Resolution, issue the zoning permit.

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1201.05 EXPIRATION OF ZONING PERMIT

If the work described in a zoning permit has not begun within six (6) months from the date of the 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 fully completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the person 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.

1202 CERTIFICATE OF COMPLIANCE

It shall be unlawful to use or occupy or permit the use or occupancy of any buildings or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that a follow-up inspection for the proposed use of the building or land conforms to the requirements of permits issued and this Resolution.

1203 TEMPORARY CERTIFICATE OF COMPLIANCE

A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

1204 RECORD OF CERTIFICATES OF COMPLIANCE

The Zoning Inspector shall maintain a record of all certificates of compliance.

1205 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF COMPLIANCE

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this resolution and punishable under Section 1401 or this resolution.

1206 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement of construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 1401 of this resolution

1207 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person shall file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

1208 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.

1209 ZONING AMENDMENTS

1209.01 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 Board, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

1209.02 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.

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1209.03 CONTENTS OF APPLICATION

The application for amendment shall contain at least the following information, prepared in triplicate:

- 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 showing 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.
- i. A fee as estimated by the Township Trustees.

1209.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after 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.

1209.05 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 centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail to the Highway Director. The Zoning Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred and twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township that he shall proceed to acquire the land needed, then the Township shall refuse to approve the rezoning. If the Highway Director notifies the Township

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that acquisition at this time is not in the public interest or upon the expiration of the one hundred and 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.

1209.06 PUBLIC HEARING BY THE ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after 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.

1209.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given to the Zoning Commission by at least one (1) publication in one or more newspapers or general circulation of the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature or 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.

1209.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by mail return receipt at least twenty (20) 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 to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

1209.09 SUBMISSION TO REGIONAL 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 the last 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 Regional Planning Commission. The Regional Planning Commission shall recommend the approval of some modification thereof and shall submit such recommendation to the Zoning Commission.

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Such recommendation shall be considered at the public hearing held by the Zoning Commission.

1209.10 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.

1209.11 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 receipt of the recommendation from the Zoning Commission.

1209.12 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 fifteen (15) 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.

1209.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Clerk, by certified mail return receipt at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

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1209.14 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 be a unanimous vote.

1209.15 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 (10%) 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 XIII

ZONING BOARD OF APPEALS

1301 PURPOSE

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

1302 ORGANIZATION AND PROCEDURE

1302.01 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 arranged so that the term of one member shall expire each year. Should any vacancy on the Board occur, for any reason, the Trustees shall appoint a successor to serve the unexpired term. The Trustees have the right to remove any members of the Board with due cause.

1302.02 ORGANIZATION AND RULES

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

b. The chairman shall preside at all meetings of the Zoning Board of Appeals. He / she shall decide on all points of order and procedure unless otherwise directed by a majority of the Zoning Board of Appeals. The chairman may appoint committees deemed necessary to carry out the business of the Zoning Board of Appeals. The Chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Zoning Board of Appeals.

c. The vice-chairman shall serve in the absence of the chairman. He / she shall have all the powers of the chairman during their absence, disability, or disqualification.

d. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Zoning Board of Appeals.

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1302.03 MEETINGS

Meetings of the Zoning Appeals Board shall be held at the call of the chairman and at such times as the Board may determine. All meetings shall be open to the public.

1302.04 VOTING

a. All actions of the Zoning Board of Appeals shall be taken by resolution, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector.

b. No member of the Zoning Board of Appeals shall vote on any matter in which he / she is personally or financially interested.

1302.05 MINUTE AND RECORDS

The secretary of the Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Township Office and shall be public record.

1302.06 WITNESS AND OATHS

The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witness, administer oaths, and compel testimony and the production of books, papers, and other evidence pertinent to any issue before the Board.

1302.07 DEPARTMENT ASSISTANCE

The Board of Zoning Appeals may call on any applicable County or State agency for assistance in the performance of its duties; and it shall be the duty of the such departments to render assistance to the Board as may be required. In addition, the Zoning Board may make an analysis and present a report on any matter before the Zoning Board of Appeals. Such report shall be considered by the Zoning Board of Appeals at the time of hearing on the matters.

1303 GOVERNING GUIDELINES

a. The Zoning Board of Appeals shall be governed by the provisions of all applicable state statutes, local laws, regulations, and rules set forth herein.

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b. The Zoning Board of Appeals shall become familiar with all enacted resolutions and laws of Brighton Township under which in may be expected to act as well as with applicable state enabling legislation.

c. The Board of Zoning Appeals shall uphold the Zoning Resolution and Official Zoning Map of Brighton Township as adopted and shall serve primarily as a judicial review in the performance of its duties.

d. The Zoning Board of Appeals shall become familiar with the community goals, desires, and policies. Through the performance of its duties, the board may not act as a legislative body; or through interpretation, the granting of variances or the setting of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

1304 JURISDICTION AND POWERS

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

- a. To hear and decide appeals where it is alleged there is an 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 b this Resolution.
- d. To interpret the provisions of the Zoning Resolution or Map where there is no doubt as to the meaning or application. The Zoning Board of Appeals shall have the specific power to interpret the precise location of the boundary lines between zoning districts, and to interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.
- e. To exercise such other powers as may be granted to the Zoning Board of Appeals by this Resolution, amendment thereto or by the general laws as set forth in the "Ohio Revised Code" as amended.

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- f. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Resolution, but does have power to act on those matters where the Resolution provides for judicial review, interpretation, variance, or conditional use as defined in this Article

1305 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

1305.01 APPEALS

Appeals to the Zoning Board of Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

1305.02 FEES – SEE SECTION

1305.03 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 Zoning Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be delayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record an application, with a notice to the Zoning Inspector from whom the appeal is taken.

1305.04 VARIANCES

The Zoning Board of Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardships. No non-conforming use of lands structures or buildings in other districts shall be considered grounds for issuance of a variance.

1305.05 APPLICATION AND STANDARDS FOR VARIANCES

The variance from the terms of this Resolution shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Zoning Board of Appeals containing:

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- a. Name, address, and phone number of applicants.
- b. Legal description of property.
- c. Description of nature of variance requested.
- d. A narrative statement demonstrating that the requested variance conforms to the following standards:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.

That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

That special conditions and circumstances do not result from the actions of the applicant.

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.

1305.06 CONDITIONS FOR GRANTING VARIANCES

Variations may be granted by the Board of Zoning Appeals where the strict application of any provision of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the Zoning Board of Appeals through the Zoning Inspector by an aggrieved property owner. 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:

- a. 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.

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- b. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness or shallowness of a lot size or shape, exceptional topographical or other physical conditions.
- c. 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.
- d. That said variance is necessary for the preservation and employment 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.
- e. That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.
- f. That said variance will not permit the establishment within a district, or any use other than those permitted by right within that district, or any use for which a conditional permit is required.
- g. 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.
- h. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.
- i. That in no instance shall a variance be considered for the following reasons:
 - Presence of nonconformities in the zoning district.
 - Previous variances granted in the zoning district.
 - Uses in adjoining zoning districts.
 - The applicant's belief that the intended use would be permitted upon his purchase of the land.
 - The character standing of the applicant.

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Hardship being demonstrated beyond the contest of zoning; e.g. economics.

1305.07 VARIATIONS TO NONCONFORMING USES AND BUILDINGS

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

1305.08 CONDITIONS IMPOSED BY THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting variances and conditional uses. Such additional conditions shall be reasonable and necessary to promote 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 terms under which the variance or conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article XIV of this Resolution.

1305.09 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 six (6) months, 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.

1305.10 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

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

Brighton Township, Lorain County, Ohio

1305.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1305.12 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, notice of such hearing shall be mailed by the Chairman of the Zoning Board of 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.

1306 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES

1306.01 CONTENTENT OF APPLICATION FOR CONDITIONAL USE PERMIT

An application or conditional use permit shall be filed with the Chairman of the Zoning Board of Appeals and the Chairman of the Zoning Commission by at least one owner or lessee of the 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. Present zoning district.
- e. Description of proposed conditional use.
- f. A plan of proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic areas and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Zoning Board of Appeals may require to determine if the proposed conditional use meets the intent and requirement of this Resolution
- g. A narrative statement evaluating the economic effects an 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

Brighton Township, Lorain County, Ohio

and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.

- h. Such other information as may be required.

1306.02 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 of 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, historic feature of major importance.

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1306.03 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

1306.04 ZONING COMMISSION REVIEW AND COMMENT

The Zoning Commission shall study each application for a conditional use permit and make recommendation within twenty (20) days of receipt to the Zoning Board of Appeals.

1306.05 PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall hold a public hearing within forty (40) days from the receipt of the application for a conditional use.

1306.06 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.

1306.07 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Zoning Board of 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.

1306.08 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be valid for a period not to exceed one year from date of issuance. Inspection and payment of a fee as set forth in the fee schedule shall be required prior to renewal of said 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.

1307 DECISIONS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall decide all applications for variances, conditional uses and appeals within thirty (30) days after the final hearing thereon. The applicant shall be notified

Brighton Township, Lorain County, Ohio

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 on 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 the 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.

1308 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 Zoning Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Zoning Board of Appeals shall be to the courts as provided by the Sections 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 Zoning Board of Appeals. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments or the repeal of all or part of this Resolution, as provided by law and establishing a schedule of fees and charges. If, in the course of carrying out the intent of this Article and after review of all appeal cases brought before it, the Zoning Board of Appeals finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

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1309 APPEAL TO COURTS

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

Article XIV

PENALTY FOR VIOLATION

1401 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 \$100.00 or imprisoned for 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, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

1402 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 the 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.

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1402.01 PROPERTY VIOLATIONS-CORRECTIVE ACTIONS, specific to junk vehicles, debris (junk), refuse, garbage vegetation

Property owners/tenants have fourteen (14) days from the issuance of a “notice of violation” to provide the Zoning Inspector (working with the Trustees) a written action plan to bring the property in compliance within a mutually agreed upon time frame. If there is a failure to follow through to be in compliance, the State of Ohio has specifically allowed the Township Trustees to issue an “Order” or a “Nuisance Order” along with the Zoning Violation, that legal actions will proceed and further failure to comply will result with and clean-up expenses incurred by the Township to be paid by the property owner or will be collected as other taxes as a lien.

OPTION 1-Handled as a Zoning Violation

- 1) Notice of Zoning Violation is issued b the Zoning Inspector and sent to the violator via certified and regular mail.
- 2) If no response within fifteen (15) days, the Board of Trustees will issue a resolution for the county prosecutor to be involved. (Form Letter: Resolution to authorize and direct the Lorain County Court Prosecutor to take legal action to compel Zoning compliance).
- 3) The Lorain Count Prosecutor issues a letter to the violator advising, since there was no response within fifteen (15) days, that he/she may be prosecuted as a criminal violation in the Oberlin Municipal Court and as a Civil Action n the Lorain Court of Common Pleas.

OPTION 2-Handle as Self Help Nuisance Situation under RC 505.87 or 505.871

- 1) A Nuisance Order can be issued along with a Zoning Violation or instead of a Zoning Violation.
- 2) The Board of Trustees issues and order to the violator under ORC 505.87 advising the accumulation of vegetation, garbage, refuse and other debris (junk vehicles under ORC 505.871) upon the property constitutes a nuisance, and he/se is ordered

Brighton Township, Lorain County, Ohio

to clean it up within seven (7) days, fourteen (14) days for ORC 505.871 with a copy sent to the Lorain County Prosecutor.

- a) If the violator fails to comply, removal of such items and any expense incurred by the Township for removal will be entered upon the tax duplicate as a lien upon the property and be collected as other taxes. (Form: Order)
- 3) The Board of Trustees will Notify the Lorain County Prosecutor of their plan to clean up the property and will contact the sheriff to be present during the cleanup.
- 4) The Lorain County Auditor will be contacted for instructions on how to submit the costs for cleanup of the property to be entered on the tax duplicate.

1403 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 XV

MISCELLANEOUS PROVISIONS

1501 INTERPRETATION

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

1502 VALIDITY

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

1503 EFFECTIVE DATE

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

1504 REPEAL

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

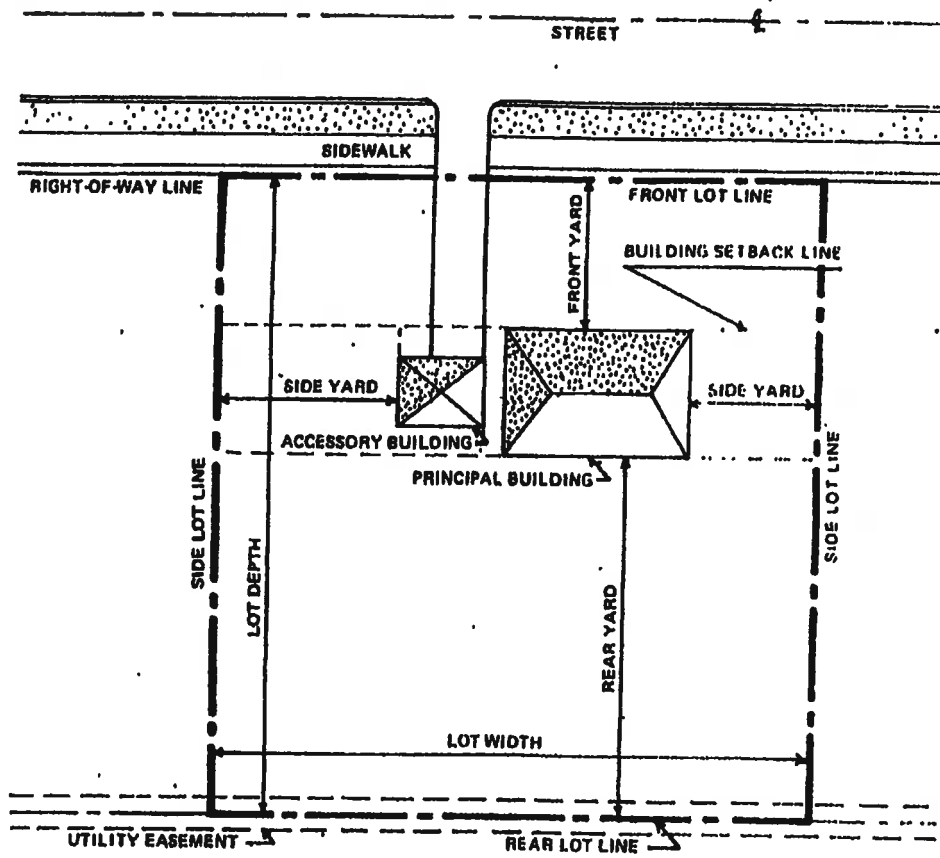
Brighton Township, Lorain County, Ohio

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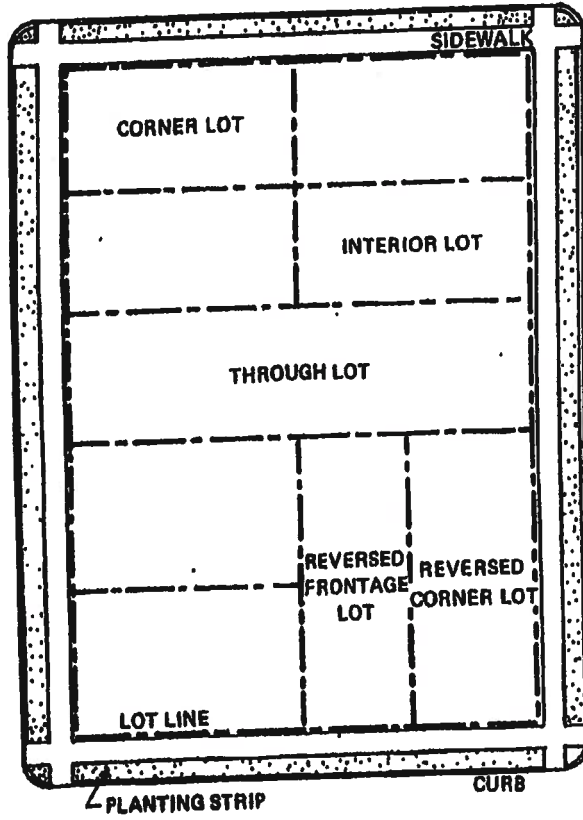


LOT AREA- TOTAL HORIZONTAL AREA

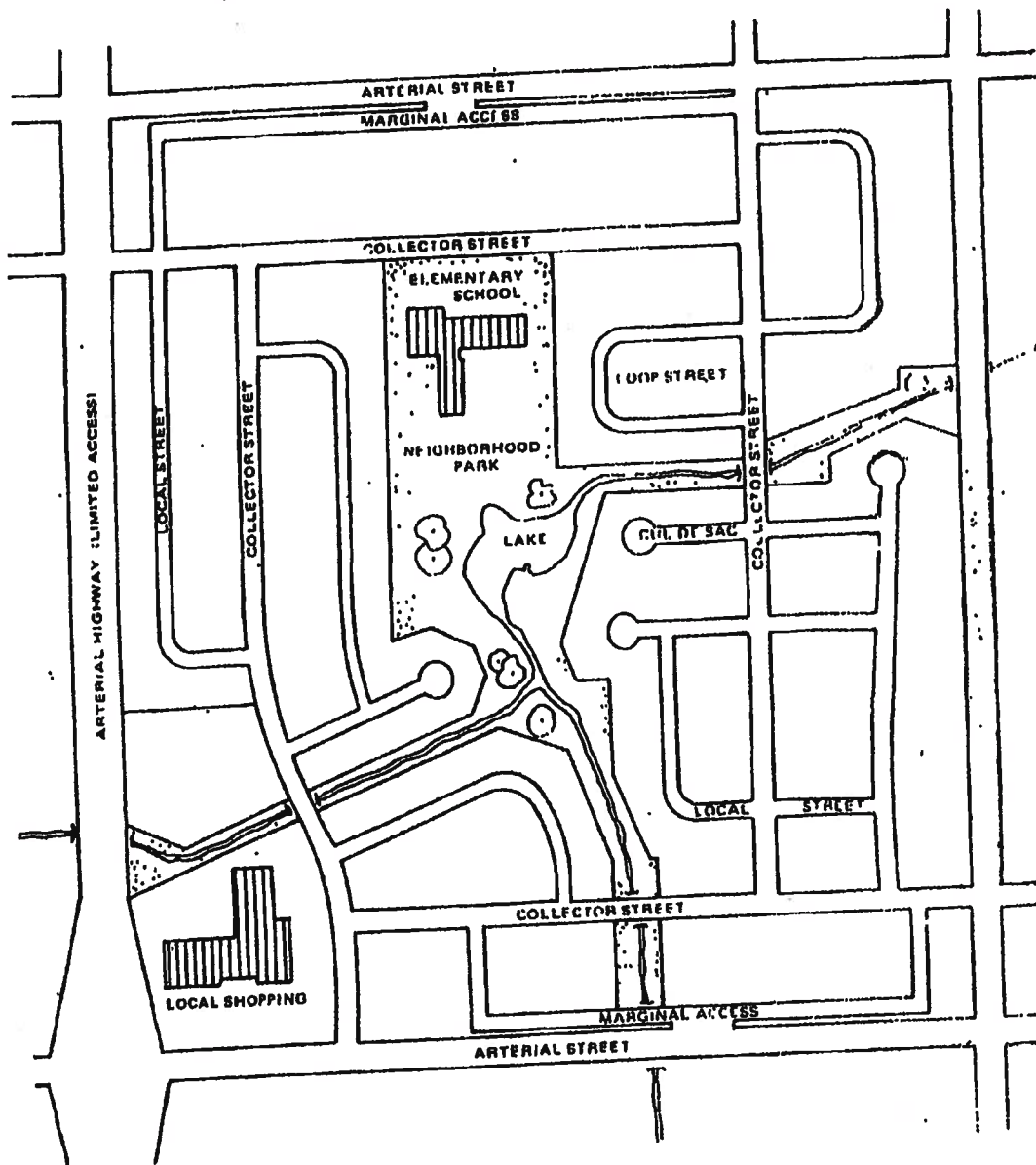
**LOT COVERAGE- PER CENT OF LOT OCCUPIED
BY BUILDING**

LOT TERMS

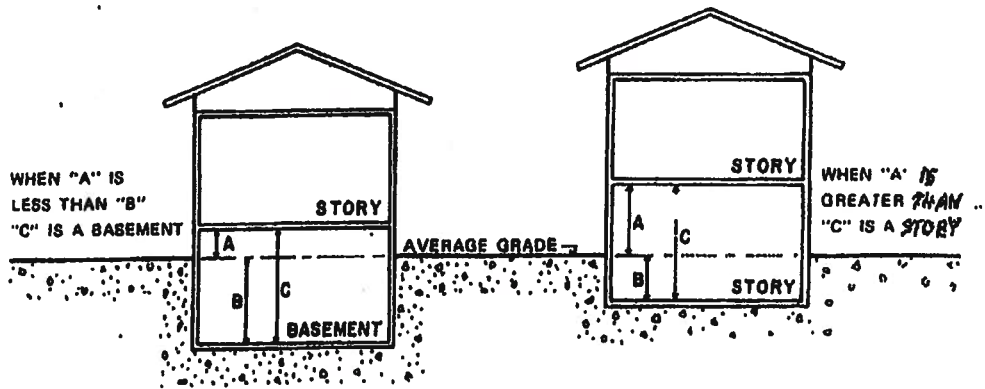
STREET



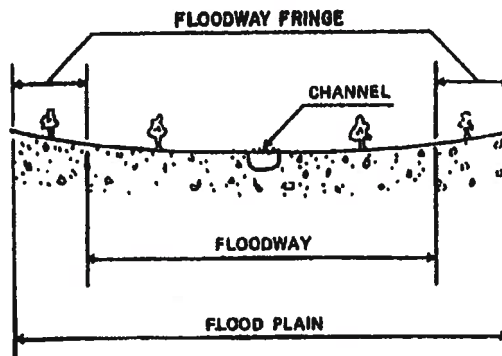
TYPES OF LOTS



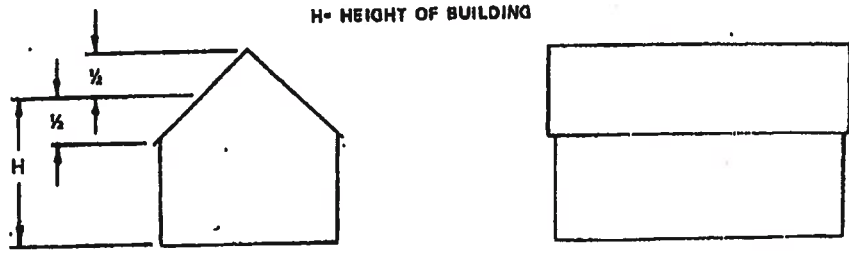
CLASSIFICATION OF THE THOROUGHFARE SYSTEM



BASEMENT & STORY



FLOOD PLAIN TERMS

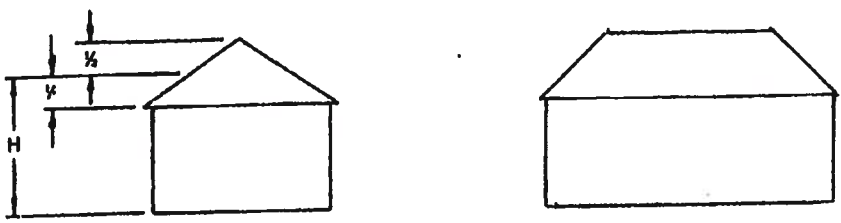


H= HEIGHT OF BUILDING

END VIEW

GABLE ROOF

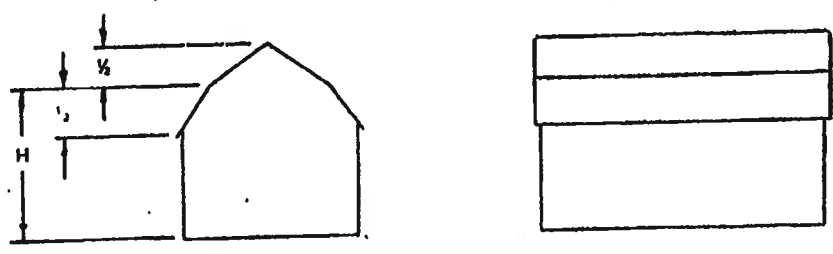
SIDE VIEW



END VIEW

HIP ROOF

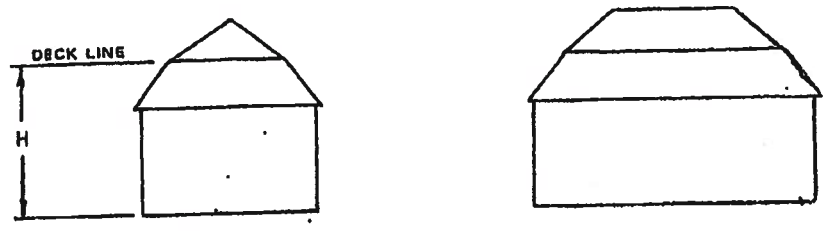
SIDE VIEW



END VIEW

GAMBREL ROOF

SIDE VIEW

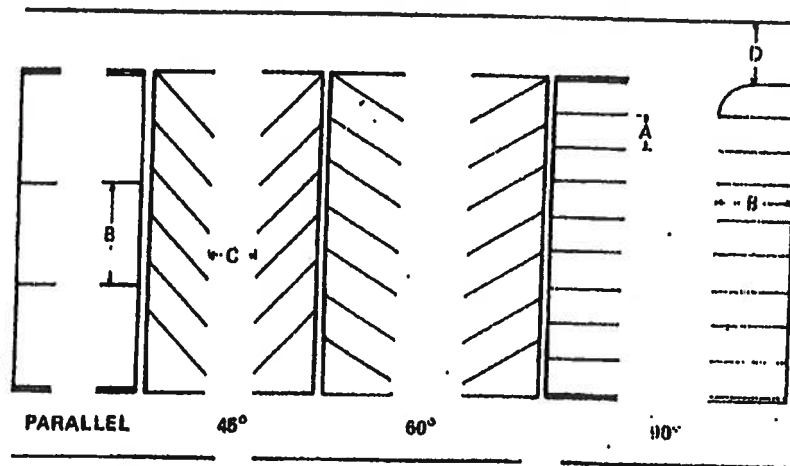


END VIEW

MANSARD ROOF

SIDE VIEW

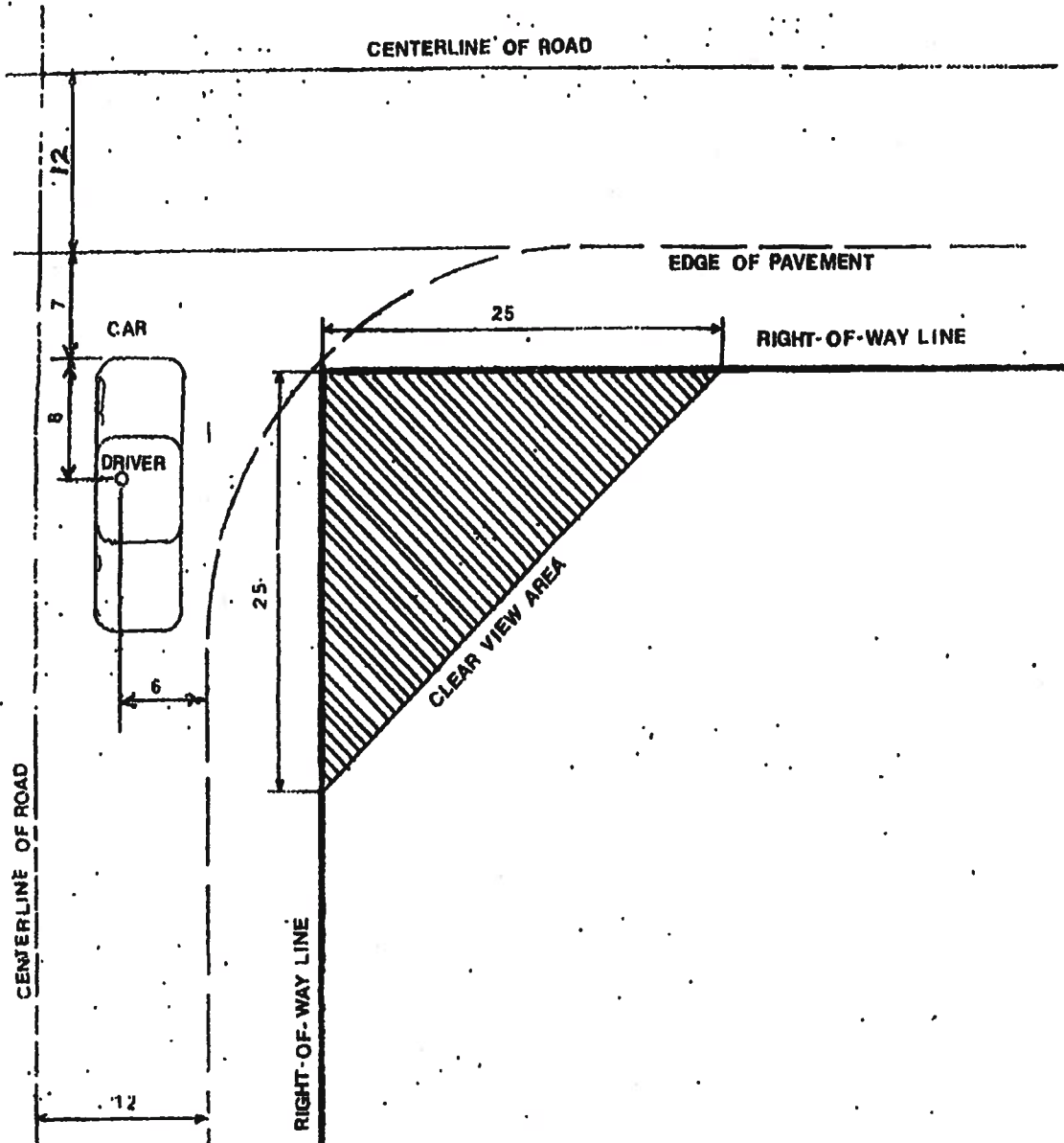
ROOF TYPES AND BUILDING HEIGHT



OFFSTREET PARKING

OFF-STREET PARKING DIMENSIONAL TABLE

	45°	60°	90°	Parallel
A Width of Parking Space	12'	10'	9'	9'
B Length of Parking Space	10'	19'	18'	23'
C Width of Driveway Aisle	13'	17'6"	26'	12'
D Width of Access Driveway	14'	14'	14'	14'



CLEAR VIEW OF INTERSECTING STREETS

APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS

_____, Ohio

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number Home _____ Business _____

1. Locational Description: Subdivision Name _____
 Section _____ Township _____ Range _____
 Other Designation _____ Block _____ Lot No. _____

(If not in a platted subdivision attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance _____

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true: (Please attach these comments on a separate sheet)
 - a. special conditions exist peculiar to the land or building in question
 - b. that a literal interpretation of the ordinance (resolution) would deprive the applicant of rights enjoyed by other property owners
 - c. that the special conditions do not result from previous actions of the applicant
 - d. that the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in this application and its supplements is true and correct.

Date _____

Applicant

Fee Paid \$ _____

Decision of Board of Zoning Appeals: Approved _____ Denied _____

If approved the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial _____

Date _____ Board of Zoning Appeals

_____ Chairman

Note: One (1) copy to be filed with the Zoning Inspector and two (2) with the Board of Zoning Appeals.

PART 2: TOWNSHIP BOARD OF ZONING APPEALS
(Revised Code Section 519.14)

1. Use Variances – “unnecessary hardship” standard. 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:

- A. 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 through the district.

Considered: _____ (Please check)

Comments:

- B. That there are unique physical circumstances or conditions, applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.

Considered: _____ (Please check)

Comments:

C. 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.

Considered: _____ (Please check)

Comments:

D. 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.

Considered: _____ (Please check)

Comments:

E. 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.

Considered: _____ (Please check)

Comments:

F. 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.

Considered: _____ (Please check)

Comments:

G. That said variance may not be constructed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.

Considered: _____ (Please check)

Comments:

H. That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.

Considered: _____ (Please check)

Comments:

I. That in no instance shall a variance be considered for the following reasons:

- Presence of nonconformities in the zoning district;
- Previous variances granted in the zoning district;
- Uses in adjoining districts;
- The applicant's belief that the intended use would be permitted upon his/her purchase of the land;
- The character standing of the applicant; or
- Hardship being demonstrated beyond the context of zoning; e.g. economic.

Considered: _____ (Please check)

Comments: _____

2. Area Variance – “practical difficulties” test. The factors to be considered and weighted in determining whether a property owner seeking an area variance has encountered practical

difficulties in the use of his/her property include, but are not limited to:

- A. Whether the property in questions will yield a reasonable return or whether there can be any beneficial use of the property , without the variance.

Considered: _____ (Please check)

Comments: _____

- B. Whether the variance is substantial.

Considered: _____ (Please check)

Comments: _____

- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Considered: _____ (Please check)

Comments: _____

D. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage.).

Considered: _____ (Please check)

Comments: _____

E. Whether the property owner purchased the property with the knowledge of the zoning restriction.

Considered: _____ (Please check)

Comments: _____

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Considered: _____ (Please check)

Comments: _____

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Considered: _____ (Please check)

Comments: _____

APPLICATION FOR ZONING CERTIFICATE

Application No. _____

BRIGHTON TOWNSHIP -- LORAIN COUNTY -- OHIO

The undersigned hereby applies for a Zoning Certificate for the following use, to be issued on the basis of the representations contained herein, all of which applicant says are true.

1. Location of property _____

2. Name of Property Owner _____

Address: _____

3. Occupant of property _____

4. Proposed Use:

_____ New Construction

_____ Business

_____ Remodeling

_____ Manufacturing

_____ Accessory Building

_____ Sign - Size _____

_____ Residence _____ No. of Families

_____ Other - explain on add'l. sheet

5. Fill in dimensions for proposed construction or use for which application is made:

a) Main road frontage _____ ft.

d) Lot depth from right-of-way _____ ft

b) Set-back from road right-of-way _____ ft.

e) Dimensions of building:

c) Side yard clearance

Width _____ ft. Depth _____ ft.

_____ side _____ ft

f) Highest point of building above established grade _____ ft.

_____ side _____ ft.

g) Rear yard clearance _____ ft.

6. Building Use: _____ No. of stories: _____ Basement _____

1st Floor _____ sq. ft. 2nd Floor _____ sq. ft. Off-street Parking: _____ sq. ft.

7. PARCEL NUMBER: _____ COST: _____

SIGNATURE OF APPLICANT _____ Date: _____

Based on the statements made a part hereof, the proposed usage is found to be in accordance with the Brighton Township Zoning Resolution and is hereby APPROVED this _____ day of _____ 20____.

Signature of Zoning Inspector _____ Fee Paid: \$ _____

If REJECTED, reason for refusal _____

Signature of Zoning Inspector _____ Date Rejected _____

BRIGHTON TOWNSHIP
DRIVEWAY PERMIT APPLICATION

OWNER'S NAME (printed) _____
ADDRESS _____
TELEPHONE _____

I (property owner) hereby request Brighton Township to install a driveway with the right-of-way on _____ Road in Brighton Township along N _____ S _____ E _____ W _____ side of the road _____ miles (feet) N _____ S _____ E _____ W _____ of the _____ intersection. (Two' (2) stakes have been driven into the ground at the proposed location).

Type of Proposed Driveway: Residential _____ Field _____ Other _____

I agree to maintain the driveway and approach according to Brighton Township Zoning Standards.

OWNER'S SIGNATURE _____ DATE _____



Completed application, and fee of \$400.00 to be submitted to Norman Harp, Zoning Inspector, 51625 State Rt. 18, Wellington, OH 44090. Check to be made payable to Brighton Township. Entire fee must be paid in full before construction will begin.

THIS AREA TO BE COMPLETED BY BRIGHTON TWP, ZONING INSPECTOR

Date permit and fee (\$400.00) received _____

Permission is hereby granted to install a driveway and approach at above address using a _____ inch pipe (minimum 12" dia.) x _____ feet long (minimum 24 feet) within the right-of-way of _____ Road. Said driveway shall be constructed according to Brighton Township Zoning Standards and the Standard Drawing, SK-1, Dated 9-28-92, Lorain County Engineer

SIGNATURE _____ DATE _____
Brighton Township Zoning Inspector

(Forward to Brighton Township Road Superintendent for Installation)

INSTALLATION REPORT

Date Site Inspected _____ Date Pipe Installed _____ Pipe Size _____

Comments: _____

INSTALLER'S SIGNATURE _____ Date _____

** (Permit to be kept on file at office of Road Superintendent)

DRIVEWAY PERMIT APPLICATION

Section 5543.16 of the Ohio Revised Code: Construction and Repair of Approaches and Driveways Cost. The owners of land shall construct and keep in repair all approaches and driveways from the public roads under the direction of the County Engineer.

OWNER'S NAME _____

ADDRESS _____

CITY/ZIP _____ TELEPHONE _____

Proposed driveways to be located and constructed within the Right-of-Way of _____

Road in _____ Township along N S E W side of the road _____ miles (feet)

N S E W of the _____ intersection. Type of proposed driveway:

Residential _____ Field _____ Other _____

Said _____ shall at all times protect and save harmless Lorain County from any and all claims arising in any manner from the construction and maintenance of said driveways and approach.

SIGNATURE _____ DATE _____

THIS AREA TO BE FILLED OUT BY THE ENGINEER'S OFFICE

That permission be and the same is hereby granted said _____

his successors and assigns to construct a driveway and approach using a _____ pipe x

_____ long within the Right-of-Way of _____ Road.

Said driveway shall be constructed and maintained according to Lorain County Engineer's Standard Drawing No. SK-1, Dated Rev. September 28, 1992 shall be considered as part of this permit.

SIGNATURE _____ DATE _____

(LORAIN COUNTY ENGINEER)

INSPECTOR'S REPORT:

DATE SITE INSPECTED: _____ DATE PIPE INSTALLED: _____

COMMENTS: _____

INSPECTOR: _____ DATE _____

* Minimum Diameter: 12 inches, may be larger; Minimum Length: 24 feet (Reinforced Concrete or Corrugated Metal Pipe or Smooth wall Corr Plastico AASHIO M294 with approval from inspector).

** Owner to place two (2) stakes at proposal driveway location before mailing permit.

*** Following the purchase of pipe by the owner, please contact the Lorain County Garage at 326-5880 to schedule the installation of the pipe.

**** This permit valid for one (1) year from the date of approval.

Elyria 329-5586
Lorain 244-6261
ext. 5586

LORAIN COUNTY ENGINEER
247 Hadaway Street
Elyria, Ohio 44035

Oberlin 775-1351
Wellington 647-2351

DITCH ENCLOSURE PERMIT APPLICATION

Section 5543.16 of the Ohio Revised Code: Construction and Repair of Approaches and Driveways Cost. The owners of land shall construct and keep in repair all approaches or driveways from the public roads, under the direction of the County Engineer.

OWNERS NAME _____

ADDRESS _____

CITY/ZIP _____ TELEPHONE _____

Proposed Ditch enclosure to be located and constructed within the Right-of-Way of _____

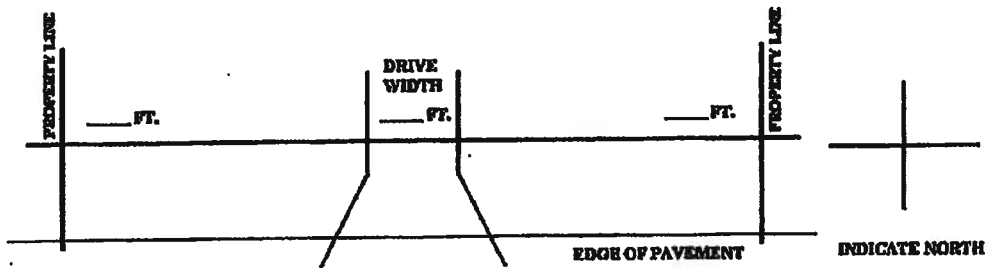
Road in _____ Township along N_S_E_W side of the road _____ miles (feet)

N_S_E_W of the _____ intersection.

Length of proposed ditch enclosure: _____

Said owner _____ shall at all times protect and save harmless Lorain County from any and all claims arising in any manner from the construction and maintenance of said ditch enclosure. Owner shall be responsible for locating and marking all pipe and tiles entering roadside ditch with wooden stakes.

SIGNATURE _____ DATE _____



Show in sketch where proposed ditch enclosure will be located in relation to property lines, right-of-way and driveway. Show all inlets, fittings, etc.

LIST OF MATERIAL

Fill out all but the list of material

- Following the purchase of pipe by owner, please contact the Lorain County Garage at 326 -5880 when the pipe is delivered to schedule the installation of the pipe. The County will furnish pipe cover as available. Final grading, top soil, mulch, and seeding to be done by property owner.
- Minimum diameter of pipe: 12 inch (may be larger)
- The pipe is to be purchased by owner only upon receipt of signed permit from the Lorain County Engineer's Office.

September 9, 1999

POLICY

If a property owner desires to install a concrete drive and we request that they hold the concrete back 4 – 5 feet from the edge of pavement, this office will asphalt the remainder of the apron. This is the only situation where we will asphalt driveway aprons.



Kenneth P. Carney
LORAIN COUNTY ENGINEER

1. MR 505
App No _____

State of Ohio
Department of Transportation
Permit Application
See Reverse side for additional requirements

Office Use Only	
County/ Jurisdiction	_____
Rte	LogPt _____
AccCat	_____

[1] This form must be completed by the property owner or agents working for a utility company (if applicable). Application by contractor is unacceptable.

Name _____
Address _____ City _____ State _____
Zip _____ Phone () _____ Other (Fax, E-mail) _____

[2] Type of Permit requested: _____ Commercial (See other side) _____ Residential _____ Field _____ Utility _____ Drainage
_____ Beautification (See other side) _____ Spraying, trimming, tree removal _____ Other _____

[3] Briefly describe work to be performed. (Attach plans and see Instructions.)

Traffic Plan _____

[4] Location where work is to be performed. Give sufficient detail to locate the site accurately, such as the distance in miles or feet from a mile post or from some geographical feature such as an intersecting highway.

In _____ County (along, across) State Route _____, _____ miles or _____ feet
North _____ East _____ West _____ South _____ of _____ on the North _____ East _____ West _____ South _____ side of the road.
Work to commence on _____ and will require _____ days to complete

[5] Does the property owner own or have any interests in any adjacent property? _____ Yes _____ No
If yes, please describe. _____

[6] Prior to any excavation in the highway right-of-way, the Ohio Utilities Protection Service (OUPS) must be contacted in accordance with ORC Section 3781.25 to 3781.32. OUPS can be reached at 1-800-362-2764. A call must be made to OGPUPS at 1-800-925-0988.

[7] Open cutting of pavement shall not be permitted unless no reasonable alternate method is available. Written approval of the Ohio Department of Transportation District Office must be obtained.

[8] All work requiring men or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[9] I have received a copy of the policies and regulations pertaining to the permit for which I have applied. If a permit is subsequently issued to me by the Ohio Department of Transportation, I understand that the permit will state the terms and conditions for its use, and I agree to comply with all conditions and regulations stipulated on or attached to the permit. I also understand and agree that failure to comply fully with all conditions and regulations of the permit or any change in the use of the permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to an including removal of the installation at the permittee's expense.

SIGN and
PRINT here

→ _____
Signature of Property Owner or Agent for Owner
Date _____ Day time Phone _____

Office use only	
Date Received	_____
By	_____
Date Accepted	_____
By	_____

Additional Requirements

1. All requests for vehicular access connections (commercial and residential driveways and field drives) are subject to the requirements and provisions of the State Highway Access Management Manual. You will find this form at <http://www.dot.state.oh.us/planning/Corridor/AccessMgmt/Manual> on the web.

2. Check with the issuing authority to determine which of the following documents and information are required and the number of copies needed to complete the review of your application. Plans should usually not be larger than 24"x 36."

- (A) Map or plat showing property location, property lines, amount of frontage on state highway and on other abutting public roads, if any;
- (B) Any existing access or easements of access on the property;
- (C) Highway and driveway plan profile;
- (D) Location of proposed access with respect to property lines and to the highway; NOTE: The proposed access location should also be physically marked on the property by a stake or other clearly visible means.

- (E) Design and type of construction of the proposed access;
- (F) Drainage plans showing drive culvert/pipe and impacts to the highway right of way;
- (G) Subdivision, zoning, or development plan, if applicable;
- (H) Maps and letters detailing utility locations before and after development in and along the right of way;
- (I) Signing and striping plans;
- (J) Traffic data and traffic control plan;
- (K) Proof of liability insurance;
- (L) Performance Bond, if required

Commercial Development

3. If you are requesting a permit for Commercial Development, complete the following. Applicants seeking permits for development generating high traffic volumes (over 100 trip ends in the peak hour) are advised to request a preliminary meeting with appropriate ODOT and/or local officials prior to submitting a formal application for access.

(3a) If the proposed access will serve residential development, what type (single family, apartment, townhouse) and number of units are in the proposed development?

Type of Units		Number of Units	
Type of Units		Number of Units	

(3b) If the proposed access will serve business commercial or industrial development, what types and number of businesses are in the proposed development and what is floor area square footage of each?

Type of Business		Square Footage	
Type of Business		Square Footage	

(3c) Number of vehicles using the access. Indicate if estimates are ___ Peak hour = ___ or ___ Average daily volumes = ___.

Number of Passenger Cars:	Number of Multi Units:	Total All Vehicles:
---------------------------	------------------------	---------------------

(3d) Consulting Firm: _____ Name of Contractor: _____
 Contact Name: _____ Contact Name: _____
 Phone Number: _____ Phone Number: _____

Beautification Permit

4. If you are applying for Beautification Permit, complete the following. Please submit proof of insurance.

Insurer's Name _____ Address _____ Phone () _____
 Number of adults (over 18) _____ under 18 _____ Total people _____

State of Ohio
Department of Transportation
RIGHT-OF-WAY USER PERMITS
Instructions

PLEASE READ:

- 1) A valid permit to use or occupy the highway right-of-way must be obtained before any construction takes place within the right of way. No work will be initiated on or off State right-of-way at any commercial site until the site plans have been approved by the Department of Transportation.
- 2) Application for permits can be made in person or sent by mail to the local Department of Transportation District office in care of the District Deputy Director (ATTN: Permit Department). Signatures by contractor are not acceptable and will be returned.
- 3) Applications for public roads, commercial accesses, or residential driveway approaches shall only bear the signature of the property owner, the company owner, or the corporate official responsible for construction and maintenance of the installation placed in the highway right-of-way.
- 4) Permits cannot be issued to developers, contractors, property owners, etc. for any utility service installation, ie; sewer taps, water taps service drops, etc. Applications for these installations must be submitted by the local governing utility company that services the requested area.
- 5) Commercial developments are required to submit the following as a minimum: 4 copies of detailed plans showing all proposed construction, possible effect of traffic movement and trip generation in and out of the proposed site, and drainage calculation based on a 10-year retention. Additionally a separate site plan showing all accesses on both sides of the highway within 1000 feet of the proposed access is required.

The following information should also be included with your application.

- A) Location of the proposed work should be indicated in feet at a distance north, south, east, west, from the nearest intersection indicating which side of the road you will occupy. A plat map must be attached to the application.
 - B) Staking is required for all residential property, showing the exact location of the proposed access, as well as the property lines.
 - C) Total width of through pavements, and if a divided highway, the width of median and location of existing median crossovers.
 - D) Record the width of the pavement and from the edge of a pavement and to the edge of the right-of-way line, keeping in mind the edge of the right-of-way is usually the utility line. If there is no utility line present, the rule of thumb for the edge of right-of-way is for the most part 31' from the center line of the road.
 - E) The proposed width of the new access including the width and radii of any existing access. The distance between the proposed access and any other access points in either direction. If you do not have 495' of space between any existing drives and the proposed drive you must do a variance request. This can be done by letter attached to the permit application. The request should give justification for why we should permit the variance from our standards.
 - F) Dimensions and type of construction of any proposed islands between approaches.
 - G) The location and dimensions of proposed buildings and parking area.
 - H) The location and description of any existing and all proposed drainage structures within the highway right-of-way.
 - I) The location and type of all landscape items.
- 6) You must contact the County Manager or his associate 24 hours in advance of starting any work.
 - 7) A copy of the permit and approved plan(s) must be in on site at all times while work is being performed within the State's right-of-way.
 - 8) You may be required to submit additional documentation as listed on the reverse side of the M&R 505. Check with the issuing authority for these details.

RW-1
Revised 6/95
(supplement to M&R 505 Revised 6/95)
Rev 2/16/99

**General Provisions Applicable to All Permits
(Sections 5515.01 and 5515.02 of O.R.C.)**

- [1] This permit is not a substitute for satisfying the rights of any other party who may have an interest in the underlying fee.
- [2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights-of-way or in the design or operation of the state highway; or in any way abridge the right of the Director of Transportation in his jurisdiction over state highways. If, in the future, it is necessary for improved safety and operation of the state highway or for the benefit of the traveling public, the Director of Transportation may reconstruct, relocate, modify, repair, or remove any permitted connection or any features or fixtures thereof; or redesign the state highway including installing any auxiliary lanes and/or modifying any allowable turning movements. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.
- [3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.
- [4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.
- [5] The permittee shall hold harmless the Department of Transportation, the State of Ohio, and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damages sustained by any person or property in consequences of any neglect or on account of any act or omission as a result of the issuance of the permit.
- [6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.
- [7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.
- [8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.
- [9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.
- [10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.
- [11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.
- [12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.
- [13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

III. CONDITIONAL USE PERMITS:

Conditional uses are uses specified in the zoning code that are permitted by ordinance but require prior administrative approval. The standards for granting a conditional use are set forth in Section 802.19 of the zoning code and are summarized as follows:

- A. Will the proposed conditional use be harmonious with the objective of the zoning plan?

Considered: _____

Comments:

- B. Will the proposed conditional use be constructed, operated and maintained in a manner that is consistent with the appearance of the existing or intended character of the vicinity in which it is to be located?

Considered: _____

Comments:

C. Will the proposed conditional use present any safety hazard to the existing neighborhood?

Considered: _____

Comments:

D. Will the proposed conditional use be adequately served by Village utilities and sanitary facilities?

Considered: _____

Comments:

E. Will the proposed conditional use require the installation of additional facilities at the public expense or will it otherwise have a detrimental impact upon the economic welfare of the community?

Considered: _____

Comments:

F. Will the proposed conditional use result in conditions that would be detrimental to persons or property in the general area?

Considered: _____

Comments:

G. Will the proposed conditional use result in a traffic flow that interferes with traffic on surrounding streets or roads?

Considered: _____

Comments:

H. Will the proposed conditional use involve the destruction, loss or damage to natural, scenic or historical features?

Considered: _____

Comments:

Brighton Township, Lorain County, Ohio

Certificate of Compliance

For Use or Occupancy for Building/Land, Both, or In-Part

General Inspection and/or Zoning Permit Inspection For:

Said zoning inspection or permit has been followed-up upon, inspected, and/or verified during final phases or completion of work or construction for compliance to the original permit specifications and plans from application(s) submitted with applicable fees, and found to be acceptable and in compliance with any required conditions and existing Brighton Township Zoning Resolutions.

(Zoning Inspector)

(Date)

FORM 1: To be used by Zoning Commission when a proposed amendment rezones ten or fewer parcels of land. It is to be published in one or more newspapers of general circulation at least ten days before the hearing. The notice below contains the information which must be included in the published notice. The Zoning Commission may add any other information which it desires. Additionally, the notice must be sent by first class mail at least ten days before the hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned to the addresses as appearing on the County Auditor's current tax list.

NOTICE OF PUBLIC HEARING ON PROPOSED ZONING CHANGE

The Zoning Commission of _____ Township will hold a public hearing on a proposed amendment to the _____ Township Zoning Resolution which was initiated by [*motion of the Zoning Commission, resolution of the Board of Trustees, or application of property owners*]. The hearing will be held at _____, on _____, 2006 at _____ p.m. The [*motion, resolution or application*] to amend the Zoning Resolution will be available for examination for a period of ten days from _____, 2006 to _____, 2006 between the hours of _____ at _____.

Following is a list of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list: [*insert list*]

The present zoning classification of the properties named in the proposed amendment is [*state classification*]. The proposed zoning classification is [*state classification*]. After conclusion of the hearing, the matter will be submitted to the Board of Trustees for further action.

Name of person giving notice

FORM 2: To be used by Zoning Commission when a proposed amendment alters the text of the zoning resolution, or rezones more than ten parcels of land. It is to be published in one or more newspapers of general circulation at least ten days before the hearing. The notice below contains the information which must be included in the published notice. The Zoning Commission may add any other information which it desires.

NOTICE OF PUBLIC HEARING ON PROPOSED ZONING CHANGE

The Zoning Commission of _____ Township will hold a public hearing on a proposed amendment to the _____ Township Zoning Resolution which was initiated by [*motion of the Zoning Commission, resolution of the Board of Trustees, or application of property owners*]. The hearing will be held at _____, on _____, 2006 at _____ p.m. The text and maps of the proposed amendment will be available for examination for a period of ten days from _____, 2006 to _____, 2006 between the hours of _____ at _____. After conclusion of the hearing, the matter will be submitted to the Board of Trustees for further action.

Name of person giving notice

FORM 3: To be used by Board of Trustees when a proposed amendment rezones ten or fewer parcels of land. It is to be published in one or more newspapers of general circulation at least ten days before the hearing. The notice below contains the information which must be included in the published notice. The Board of Trustees may add any other information which it desires. Additionally, the notice must be sent by first class mail at least ten days before the hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned to the addresses as appearing on the County Auditor's current tax list.

NOTICE OF PUBLIC HEARING ON PROPOSED ZONING CHANGE

The Board of Trustees of _____ Township will hold a public hearing on a proposed amendment to the _____ Township Zoning Resolution which was initiated by [*motion of the Zoning Commission, resolution of the Board of Trustees, or application of property owners*]. The hearing will be held at _____, on _____, 2006 at _____ p.m. The [*motion, resolution or application*] to amend the Zoning Resolution will be available for examination for a period of ten days from _____, 2006 to _____, 2006 between the hours of _____ at _____.

Following is a list of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the County Auditor's current tax list: [insert list]

The present zoning classification of the properties named in the proposed amendment is [*classification*]. The proposed zoning classification is [*state classification*].

Name of person giving notice

FORM 4: To be used by Board of Trustees when a proposed amendment alters the text of the zoning resolution, or rezones more than ten parcels of land. It is to be published in one or more newspapers of general circulation in the township at least ten days before the hearing. The notice below contains the information which must be included in the notice. The Trustees may add any other information which they desire.

NOTICE OF PUBLIC HEARING ON PROPOSED ZONING CHANGE

The Board of Trustees of _____ Township will hold a public hearing on a proposed amendment to the _____ Township Zoning Resolution which was initiated by [*motion of the Zoning Commission, resolution of the Board of Trustees, or application of property owners*]. The hearing will be held at _____, on _____, 2006 at _____ p.m. The text and maps of the proposed amendment will be available for examination for a period of ten days from _____ 2006 to _____, 2006 between the hours of _____ at _____.

Name of person giving notice

Date: _____

TO: _____

NOTICE OF INTENT
TO REMOVE, REPAIR, OR SECURE BUILDING/STRUCTURE
O.R.C. Section 505.86

A building/structure on property located at _____
_____ in _____ Township has been declared to be
insecure, unsafe or structurally defective by the _____
(Fire Official)

Pursuant to Ohio Revised Code Section 505.86, you are hereby notified of the intent of the Board of Trustees to remove, repair, or secure such building/structure if you fail to do so within thirty (30) days of this Notice. The Township Trustees will order the removal, repair, or securement of such building/structure and any expenses incurred by the Board in performing such task may be recovered in a civil action against you or may be entered upon the tax duplicate as a lien upon your property and then collected as other taxes.

Pursuant to Section 505.86, you are entitled to request a hearing before the Board of Trustees. A hearing may be requested by making a written request to the _____
Township Fiscal Officer,

(Name and Address)

This request must be made within thirty (30) days of the date of this Notice. If a hearing is requested, the Board of Trustees will set a date, place and time for the hearing within fifteen days of your request and send you notice of the hearing. Following the hearing, the Board of Trustees will either dismiss the matter or direct the removal, repair, or securement of the building/structure as described above. You may appeal any order within thirty days under Section 2506.01 of the Revised Code.

If you have not remedied the condition or otherwise appeared and demonstrated cause why the Township should not proceed, the Trustees will proceed with the course of action described above.

BOARD OF TRUSTEES OF _____ TOWNSHIP:

cc: Record Lienholders
Lorain County Prosecutor's Office

BRIGHTON TOWNSHIP
ZONING VIOLATION NOTICE

Name _____ Date _____

Address _____ Telephone # _____

Violation # _____

You are hereby notified that you are in violation of Zoning Resolution Section No(s)
_____ of the Zoning Codes of Brighton Township.

DESCRIPTION OF VIOLATION:

You are ordered to stop immediately and to begin corrective action within 15 days of this notice. If such action is not forth coming, Brighton Township will begin legal proceeding consistent with the Ohio Revised Code.

Cathy McClafin, Zoning Inspector

CERTIFIED MAIL NO. _____

NOTES: _____

BRIGHTON TOWNSHIP

TO: _____

DATE: _____

ORDER

O.R.C. Section 505.87

Dear Sir/Madam:

The Board of Trustees of Brighton Township has determined that the accumulation of vegetation, garbage, refuse, and other debris upon your property located at _____ in the township constitutes a nuisance.

You are hereby ordered to remove said items immediately.

If you fail to comply with this Order within seven (7) days, the Brighton Township Trustees will provide for the removal of such items, and any expense incurred by the Township in the performance of such removal will be entered upon the tax duplicate as a lien upon your property, and shall be collected as other taxes.

BRIGHTON TOWNSHIP TRUSTEES

_____ Steve Urbansky

_____ Ken Ziegler

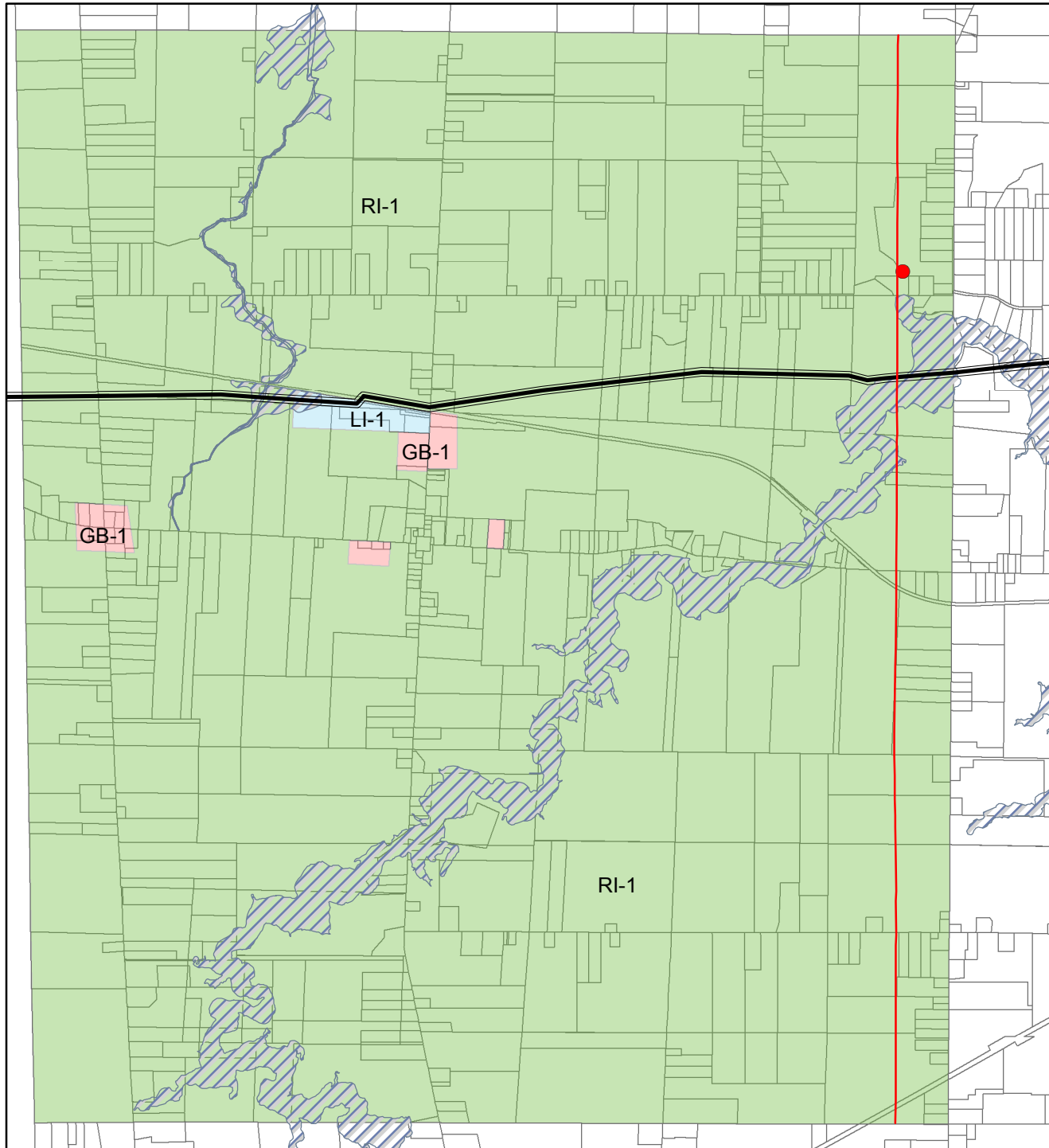
_____ Chris Stanfield

cc: Lorain County Prosecutor





Record Lienholder

Brighton Township Zoning Map


Brighton Township, Lorain County, Ohio




Zoning Designations

-  100 Year Flood Plain
-  RI-1, Agricultural Residential District
-  GB-1, General Business District
-  LI-1, Light Industrial District

First Energy

 Power Line Easement

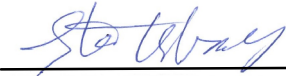
 Sub Station

 Sun Logistics East West Pipeline

Zoning Map Adopted:

December 14, 2020

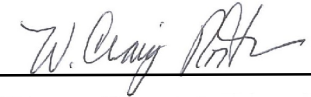
Chair, Brighton Township Trustees



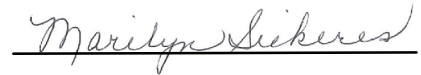
Township Trustee:



Township Trustee:



Brighton Township Fiscal Officer:



This zoning map is a graphic representation of the zoning ordinances of Brighton Township. It is not intended to replace the zoning ordinances for legal purposes of determining zoning designation.



0 5,000 Feet