

# Brighton Township, Lorain County, Ohio

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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.