

Brighton Township, Lorain County, Ohio

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.