

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 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

## 428 Wind Turbine Energy Systems

It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to help the environment and reduce the consumption of commercially generated and supplied electricity particularly for farms and small businesses in Brighton Township where a tower height would exceed the thirty-five (35) foot limit.

### **Definitions:**

Wind Turbine Energy Systems: A wind energy conversion system consisting of a wind energy turbine, a tower, and associated controls & conversion electronics, which are intended to distribute and/or store electric power for the property owner or business.

Tower Height: The distance from the rotor blade tip at its highest point to the ground.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine, tower, and its components might fall and shall remain unobstructed and confined a minimum of twenty-five (25) feet within the property lines of the parcel where it is located.

**Requirements:** Wind turbine energy systems may be a “conditionally permitted use” in all Districts subject to notification of neighboring properties, agreements to any special conditions, meeting the minimum requirements listed below, and favorable results from Township meetings and the required Board of Zoning Appeals (BZA) Hearing.

- a. The maximum height will be one hundred and fifty (150) feet on a minimum parcel size of one-hundred (100) or more acres.
- b. Only one tower per parcel is permitted with a height not to exceed 35% of the parcel width or depth or otherwise the maximum height in (a).
- c. Each wind turbine shall be equipped with automatic controls to limit the rotational speed of the blade within the design limits of the rotor. A manual shut-off switch shall be included with the installation. The minimum distance between the ground and any rotating assembly utilized on a wind turbine shall be twelve (12) feet measured from the lowest point.



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- d. No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty-five (25) feet to the property boundaries of the installation parcel. A minimum setback of the height of the tower plus the length of one blade from any structure and an additional twenty-five (25) feet to any neighboring property lines is required creating a “clear fall zone”.
- e. Wind turbine energy systems shall not exceed 60 dBA as measured at the property boundaries of the installation parcel. The level may be exceeded during short term events such as power outages and/or severe wind storms.
- f. Wind energy systems are required to be approved by a wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building Code and certified by a licensed engineer. This will be part of the Zoning Permit issued prior to any construction and only after the required Hearing by the Board of Zoning Appeals or Zoning Commission with a favorable decision.
- g. Wind turbine energy systems & towers must comply with applicable FAA regulations.
- h. A wind turbine tower shall not be artificially lit except as required by FAA regulations.
- i. Wind turbine energy systems must comply with the National Electric Code.
- j. No wind turbine energy system shall be constructed and put into operation without prior notification of local utility companies (LMRE) or be a totally off-grid system.
- k. All electrical wires associated with a wind turbine energy system other than wires necessary to connect the wind generator to the tower wiring, the tower wiring junction box, and grounding wires, shall be located underground.
- l. The wind tower and generator shall remain painted or finished the color or finish that was originally applied by the manufacturer. This is usually an opaque beige color without any gloss or bright colors or lettering.

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- m. Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts.
- n. Wind turbines must be maintained in good working order. Wind turbines & towers no longer in service or that become inoperable for more than six (6) months must be dismantled and removed or will be in violation of this Zoning Resolution.
- o. Wind turbines not operating per manufacturer's specifications shall cease operation and be repaired to meet all operational and safety standards set forth by the manufacturer. If not repaired in six (6) months or the turbine & tower dismantled, the owner will be in violation of this Zoning Resolution.
- p. A minimum six (6) foot high chain link fence surrounding the base, locked gate or entrance way, and or a ten (10) foot removable ladder will be installed to prevent unauthorized entrance or climbing.
- q. This wind turbine Conditional Permit will require a Board of Zoning Appeals (BZA) Hearing with the neighboring three (3) properties in all directions notified of the construction and operational plans and given opportunity to comment. Public comments and BZA positive results would be required as a minimum condition to begin any Zoning approval.