

**Columbia Township
Lorain County, Ohio**



As Amended Through March 23, 2023

ARTICLE 1 TITLE, INTERPRETATION AND ENACTMENT

1.00 TITLE: This resolution shall be known and may be cited as the "Zoning Resolution of Columbia Township, Lorain County, Ohio."

1.10 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM STANDARDS: In the interpretation and application, the provisions of the Zoning Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where the Zoning Resolution imposes a greater restriction upon the use of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions herein shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed herein.

1.20 SEVERABILITY CLAUSE: Each section, subsection, provision, requirement, regulation or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Zoning Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

1.30 REPEAL OF CONFLICTING RESOLUTION: All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

1.40 GENERAL PURPOSE: Pursuant to R.C. 519.02, and in order to promote and protect the public health, safety, convenience, comfort, prosperity, or general welfare of the residents of the unincorporated area of Columbia Township, Lorain County, Ohio, and to conserve and protect property and property values, and to provide for the maintenance of the rural character of Columbia Township, and to manage orderly growth and development in said Township, the Board of Trustees has found it necessary and advisable to adopt these zoning regulations as a comprehensive plan of zoning which will regulate the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas which may be occupied, building setback lines, size of yards, and other open spaces and density of population, the uses of buildings and other structures and the use of the land for trade, industry, residence, recreation, or other purpose; and for such purpose to divide the unincorporated area of Columbia Township into zoning districts and to provide for the administrative and enforcement of such regulations. All regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

COLUMBIA TOWNSHIP ZONING RESOLUTION

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ARTICLE 2 DEFINITIONS

2.00 INTERPRETATION OF TERMS OR WORDS: For the purposes of this resolution, certain terms or words used herein shall be interpreted as follows:

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

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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

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

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

2.10 DEFINITIONS:

ACCESSORY USE: A subordinate building or use customarily incidental to and located upon the same lot occupied by the main building or use.

ALLEY: A narrow service way providing a secondary public means of access to abutting properties.

ALTERNATIVE TOWER STRUCTURE: Shall mean clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

AGRICULTURE: All forms of agriculture including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side, or by increasing in height, or by moving from one location or position to another.

AREA BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered terraces and steps.

ATTACHED SINGLE-FAMILY DWELLING UNIT: A dwelling for human habitation with exterior walls in whole or in part attached to abutting dwellings within the same building or structure which has an individual heating and plumbing system and a separate ground floor entrance. Arrangements of dwelling units within buildings include attachment horizontally by side and rear walls, vertically by ceilings and floors and combinations thereof. *(Revised 1/18/06)*

BARN: An accessory or subordinate building located upon the same lot occupied by the main building or use, which use is predominantly agricultural for the storage of equipment, housing of animals or storage of food or fodder.

BASEMENT: A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if: the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or it is used for business or dwelling purposes.

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BOARD OF ZONING APPEALS: The Columbia Township Board of Zoning Appeals

BUFFER STRIP: An area of land of various widths which separates one district from another district. All buffer strips shall have no structures thereon and shall be maintained as a lawn and/or planted with shrubs or trees.

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

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING, ACCESSORY: A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, FRONT LINE: The line of that face of the building nearest the front line of the lot. This face includes sun porches and porches whether enclosed or open, but does not include steps.

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

CERTIFICATE OF COMPLIANCE: A permit issued by the Zoning Inspector stating that the occupancy of any use, lot, building, or premise which has been created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure conforms to the requirements of this resolution. *(Effective 3/9/94)*

CHURCH: A building which has as its main purpose assembly to worship.

COLUMBIA TOWNSHIP: The unincorporated political subdivision known as Columbia Township, Lorain County, State of Ohio. The provisions set forth herein shall apply to the entire area of the said township.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a Conditional Use Certificate and approval of the Board of Zoning Appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

CONDITIONAL USE CERTIFICATE: A certificate issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established with the district.

CONSTRUCTION: The erection of a new structure, as compared with alteration.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two sides by the walls of such building.

CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other terminating in a vehicular turnaround.

DEMOLITION MATERIALS: Materials from construction operations and from demolition operations including but not limited to those items that are affixed to a structure, including driveways and highways being constructed or demolished, such as brick, concrete, asphalt, asphalt products, stone, glass, metal, wallboard, framing and finish lumber, roofing materials, wiring and insulation materials. *(Effective 7-30-89)*

DIRECTIONAL SIGN: See SIGN, DIRECTIONAL *(Effective 5-6-92)*

DISABLED VEHICLE: Any vehicle meeting either of the following conditions:

1. Extensively damaged: such damage including, but not limited to, any of the following: a broken windshield; missing wheels, tires, motor, or transmission;
2. Apparently inoperable as defined by the Ohio Revised Code as amended.

DRIVEWAY: A pathway or route, located on private property, which has been created or altered for or by the use of such route for the movement of motor vehicles. For the purposes of this resolution, vehicle turnaround areas shall be included within the definition of the term "driveway," and vehicle parking areas in conjunction with residences shall be included within the definition of the term "driveway."

DWELLING: A building designed or used exclusively as the living quarters for one or two families.

DWELLING, SINGLE FAMILY: A detached building designed for and occupied exclusively by one family.

DWELLING, TWO FAMILY: A building designed for or occupied exclusively by two families living independently of each other.

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

EXTENDED FAMILY DWELLING UNIT: A separate segment of a single-family dwelling which is designed as semi-independent living quarters for a relative of the owner(s) of the dwelling.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit. *(Effective 4-15-81)*

FLOOD PLAIN: That land, subject to the 1% annual chance flood, which is shown on the Federal Emergency Management Agency (FEMA) Map, on file with the Columbia Township Zoning Department and available online.

FLOOR AREA OF A BUILDING: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, which is devoted to a land use permitted in the district where located. All dimensions shall be measured between exterior faces of the walls.

FREESTANDING SIGN: See SIGN, FREESTANDING *(Effective 5-6-92)*

FRONTAGE: (1) The continuous distance between the side lot lines measured along the public right-of-way; and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line. Property lines which abut limited-access-roads shall not be construed to be included within any calculation of frontage. Access easements shall not be permitted as a substitution for the required minimum street frontage.

GARAGES, PRIVATE: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used to shelter or store motor vehicles and located on the same lot as the dwelling to which it is accessory.

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GARAGES, PUBLIC: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning or servicing such motor vehicles.

GRADE, FINISHED: The average level of the finished surface of the ground adjacent to the exterior walls of any building.

HAZARDOUS WASTES: Materials as are described in Ohio Revised Code Section 3734.01 (J) or in such statute as it may hereafter be amended. *(Effective 7-30-89)*

HOME OCCUPATION: A single use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, without any adverse effect upon the surrounding neighborhood. *(Effective 6-16-93)*

HOSPITAL: A place for the diagnosis, treatment and/or other care of human ailments.

HOTEL: A building containing rooms intended or designed to be used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

IMPROVED STREET OR IMPROVED PUBLIC STREET: A road or street that has been properly platted and recorded and shall have been improved to meet the present Lorain County Engineer's construction standards for roads in Lorain County. The road or street shall have been inspected and certified upon completion of construction to meet all of the above standards and been properly dedicated for public use. *(Effective 1-1-03)*

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

KENNEL OR CATTERY: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LAUNDRY, COIN OPERATED: A business premise equipped with individual clothes washing and drying machines for the use of retail customers. Coin operated dry cleaning machines may also be installed, provided however, that a trained operator shall be on duty.

LIVING AREA: The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports.

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

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any street.

LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOTS, SINGLE: A lot shall be considered a single lot for residential purposes when there is one residence on the lot.

LOT LINES: Any line dividing one lot from another.

MANUFACTURED HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards and that has a permanent tag or label affixed to it certifying compliance with all federal construction and safety standards. *(Effective 12-6-00)*

MINI-STORAGE/WAREHOUSE FACILITY: A secured area for individual and business storage on a smaller scale than others in its class. Individual storage bays shall be limited to a maximum area of four hundred (400) square feet and the height shall not exceed fourteen (14) feet.

MOTEL: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of the Columbia Township Zoning Resolution, dated November 7, 1950, and from time-to-time amended and which does not conform to the regulations of the district in which it is situated.

OPEN SPACE: A space unoccupied with structures, open to the sky on the same lot with a building.

PARK: A public, private and/or commercial area which is to be used for recreational purposes. Any such area which requires a fee or a use fee shall first secure a zoning permit.

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PARKING SPACE: An off street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and having direct access to a street or alley.

PERMANENT FOUNDATION: A permanent masonry, concrete or a locally approved footing or foundation, to which a manufactured home may be affixed. *(Effective 12-6-00)*

PLANNED RESIDENTIAL DEVELOPMENT DISTRICT: An area of land in which a variety of housing types are accommodated in a pre-planned environment under more flexible standards, such as setback and lot size, than those restrictions that would normally apply in this resolution.
(Effective 1975) (Revised 8/05/2007)

PONDS: *(Effective 5-20-98)*

1. **Traditional:** A man-made impoundment made by constructing a dam or embankment excavating a pit or dugout, greater than one quarter (1/4) acre in surface area.

Primary Purpose: Recreation, irrigation, drinking water source and fire protection.

2. **Decorative:** (Also known as landscape pond, water garden, etc.) A man-made water impoundment made by constructing a dam or embankment or by excavating a pit or dugout, less than one quarter (1/4) acre in surface area. May have a man-made liner and pumps. Generally planted with plant material for landscape enhancement purposes.

Primary Purpose: Ornamental and landscaping.

3. **Wetland:** A natural or man-made area of water that is generally less than six (6) feet in depth. There is no minimum or maximum size. May partially or completely dry up during the year. Man-made wetlands are created by construction of a dam or embankment, excavation of a pit or dugout or by destroying an existing drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife.

Primary Purpose: Wildlife.

PUBLIC SCHOOL: A public educational institution for the children of Columbia Township, funded by local taxes and state appropriations, not requiring tuition or monies except for students attending but not residing in Columbia Township; to be differentiated from businesses devoted to occupational development for monies (i.e. truck driving school, welding school, or a day care school/nursery school).
(Effective 5-6-92)

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.

REAR HOUSE: A second house on a single lot to the rear of the house closest the street.

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REAR LOT CLEARANCE: An open space between the rear line of any building, including accessory buildings, and the rear line of the lot and extending the full width of the lot.

RELIGIOUS INSTITUTION: A building which has as its main purpose assembly to worship. *(Effective 11-6-03)*

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

RURAL RESIDENTIAL: Zoning district which promotes traditional rural lifestyles, farmland and agricultural enterprises, open space, scenic vistas, recreation, and historic resources, while also allowing for compatible limited residential development and service areas. This zoning district will promote patterns of land use and development where open space, natural landscapes, and vegetation are predominant over the built environment.

SATELLITE DISH: A concave "disk-shaped" antenna designed to receive transmissions from a satellite. *(Effective 1-19-95)*

SCHOOL, PUBLIC: See PUBLIC SCHOOL *(Effective 5-6-92)*

SETBACK (BUILDING LINE): The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line, or, in the case of an arc street, measured along the radius of such arc. For lots abutting on a thoroughfare as shown on the Lorain County Major Thoroughfare Plan, the setback shall be measured from the proposed right-of-way line specified for that particular thoroughfare.

SIDE LOT CLEARANCE: An open space between the main building or any accessory building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

SIGN: Any visual communication display, object, device, graphic, structure, or part, situated outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization, or the like, by means of letters, words, designs, colors, symbols, fixtures, images, or illuminations. A "sign" as used in this resolution shall not include any religious symbol affixed to a building; or the flag, pennant, or insignia of any nation, group of nations, state, city, other political unit, charitable campaign, charitable event, civic event, or civic organization. *(Effective 5-6-92)*

COLUMBIA TOWNSHIP ZONING RESOLUTION

SIGN, DIRECTIONAL: A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery entrance sign; and which does not contain the name of the facility and does not contain any advertising matter. *(Effective 5-6-92)*

SIGN, FREESTANDING: A sign that is supported by a pole (sometimes more than one) otherwise separated from the ground by air; or a ground sign for which the entire bottom of the sign is in contact with or in close proximity to the ground and which is separate from buildings. *(Effective 5-6-92)*

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY

SOLID WASTES: Materials as are described in Ohio Revised Code Section 3734.01(E) or in such statute as it may hereafter be amended. *(Effective 7-30-89)*

STABLE: Any ancillary structure used for the domiciling of one or more horses, cattle, sheep, swine, or other animal excepting dogs and cats, (see kennel or cattery).

STORY: That portion of a building included between the surface of any floor and surface of the floor next above it, or if there be, ceiling next above it.

STREET: A public or private way which affords the principal means of access to abutting properties.

STREET LINE: Is defined as the right-of-way line of any road, street, or highway as shown as existing or proposed on the Major Thoroughfare Plan of Lorain County, Ohio. All setback distances on the Zoning Resolution for Columbia Township shall be measured from the street line.

STRUCTURE: Anything constructed or erected, the use of which required location on the ground, or attachment to something having location on the ground.

TELECOMMUNICATION TOWER: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular towers, alternative tower structures and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas and amateur radio antennas.

THEATER: A building or a part of a building devoted to the showing of live entertainment and/or moving pictures on a paid admission basis.

TRAILER, MOTOR HOME, AND/OR MOBILE HOME: A dwelling unit designed and constructed to be transportable either under its own power or under tow by another vehicle. This definition shall include pop-up tent units, travel trailers, fifth wheel trailers, conversion vans, motor homes, converted buses, mobile homes, trailer houses, and any other vehicle designed for human habitation, whether or not such unit is currently being used for such purpose. A unit shall fall under this definition if it was originally designed, or was at some time converted to be, transportable; even if subsequent changes have made the unit immobile. Such unit shall not fail to fall under this definition due to the removal of wheels, frames, or other equipment used in transporting the unit; the placement of the unit on a permanent foundation such as concrete blocks or poured concrete; the adding of a deck or other attachment; nor any other such change.
(Effective 1-6-93)

TWO FAMILY HOUSE: See DWELLING, TWO FAMILY

USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE: A variance in a Zoning Resolution is a modification from the literal provisions of that resolution by the Board of Zoning Appeals in cases where a literal enforcement of its provisions would result in unnecessary hardship owing to circumstances unique to the individual property or use for which the variance is granted.

WETLAND: Those areas which are classified as "wetlands" based on the most current definition of "wetland" issued by the U.S. Army Corps of Engineers.

YARD: An open, unoccupied space, other than a court on the same lot with a building.

ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ZONING COMMISSION: The Columbia Township Zoning Commission.

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ARTICLE 3 ENFORCEMENT

3.00 REFERENCE: The administration and enforcement of the Zoning Resolution shall be by the Board of Township Trustees, with delegation of authority to the position of Zoning Inspector, in accordance with Section 519.16 of the Revised Code of the State of Ohio, as amended and supplemented and in accordance with Section 519.01 through Section 519.99 of the Revised Code of Ohio as amended and supplemented.

3.10 ZONING CERTIFICATE REQUIRED: Before locating, erecting, constructing, changing the use of, or altering any building or structure, including accessory buildings; changing the use of any premises; or altering existing terrain to the extent that such alteration may cause erosion and/or drainage damage, application shall be made to the Township Zoning Inspector for a Zoning Certificate.

3.11 CONTENTS OF ZONING CERTIFICATE APPLICATION: The application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire if work has not begun within six (6) months. At a minimum, the application shall contain the following information and shall be in a form satisfactory to the Zoning Inspector:

1. Name, address, and phone number of applicant, (if applicant is not owner, documentation of interest in property is required);
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the locations and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this resolution.

3.111 SEWAGE DISPOSAL PERMIT REQUIRED: When a sewage disposal permit is required, it must be obtained from the Lorain County Health Department before making application for a Zoning Certificate and it shall accompany the application. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan showing the location of the roads or streets, proposed location and dimensions of the building, height of the building and proposed use.

Temporary portable sanitary toilets must meet all specifications of the Lorain County Health Department and except for the uses specified in Articles 8.54 and 10.21 are only permitted for special events or emergency situations and shall require a permit from the Zoning Inspector. Temporary permits will be for a ten (10) day period of time. Emergency situations which render the primary sanitary sewerage system inoperable may be granted an extension for such a period of time as needed to repair, update or install an approved sewerage system.

3.20 ACTION ON ZONING CERTIFICATE APPLICATION: Within thirty (30) business days after receipt of the application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of the Zoning Resolution and the application is accompanied by the proper fees.

3.21 SUBMISSION TO STATE HIGHWAY DIRECTOR: Before any Zoning Certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to Columbia Township Trustees by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Highway Director. The Zoning Inspector shall not issue a Zoning Certificate for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the Zoning Certificate.

3.30 EXPIRATION OF ZONING CERTIFICATE(S): All Zoning Certificates issued for the construction of buildings, signs, or other structures shall expire six (6) months from the date of issuance unless the use as stipulated has commenced; provided however, if said land use has commenced within said six (6) month period, the Certificate shall automatically extend so long as such use is continued

Applicants may request two six-month extensions. If the applicant fails to timely request a six-month extension, or fails to commence use at the expiration of the second extension, the Zoning Certificate will expire and the applicant will need to re-apply.

Zoning Certificate Application and Extension fees set by Resolution of the Columbia Township Board of Trustees.

3.31 EXPIRATION OF CONDITIONAL USE PERMIT(S): A conditional use permit shall automatically expire if such use has not been instituted or utilized within six (6) months of the date on which the permit was issued or if for any reason such use shall cease for more than two (2) years.

3.40 RENEWAL OF ZONING CERTIFICATE: All Zoning Certificate renewals shall be subject to all zoning fees and subject to all zoning regulations on the date of renewal. Under no conditions shall there be any refund of certificate fees.

3.50 CERTIFICATE OF COMPLIANCE: Before occupying or permitting the use or occupancy of any building or land, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure the Zoning Inspector shall issue a Certificate of Compliance stating that the proposed use of the building or land conforms to the requirements of this Resolution. It shall be unlawful to occupy a building or land where a Certificate of Compliance is required and where none has been issued.

3.51 APPLICATION FOR CERTIFICATE OF COMPLIANCE: The application for Certificate of Compliance or Temporary Certificate of Compliance shall be on a form satisfactory to the Zoning Inspector and shall contain the following information:

1. Name, address, phone number of owner;
2. Copy of Zoning Certificate, if any;
3. Zoning district in which building or land is located;
4. Statement of proposed use of building or land;
5. Notarized signature of owner.

3.52 ACTION ON CERTIFICATE OF COMPLIANCE APPLICATIONS: Within ten (10) business days after receipt of the application for a Certificate of Compliance, the Zoning Inspector shall issue a Certificate of Compliance if the application complies with the requirements of the Zoning Resolution and the application is accompanied by the proper fee.

If the Zoning Inspector cannot legally issue the Certificate of Compliance for reasons of non-compliance with the requirements of the Zoning Resolution, then the Zoning Inspector shall notify the owner by certified mail within the ten (10) business day period and shall deliver a copy of said notification to the Township Board of Zoning Appeals.

Thereafter the owner of a building, as land owner to which a Certificate of Compliance was refused by the Zoning Inspector, may appeal to the Board of Zoning Appeals in accordance with Article 5 of this resolution.

COLUMBIA TOWNSHIP ZONING RESOLUTION

3.53 TEMPORARY CERTIFICATE OF COMPLIANCE: A temporary Certificate of Compliance may be issued by the Zoning Inspector for a period not to exceed three (3) months, renewable for an additional three (3) months if progress is shown, during alterations or partial occupancy of a building pending its completion.

3.54 RECORD OF CERTIFICATES OF COMPLIANCE: The Zoning Inspector shall maintain a record of all Certificates of Compliance issued and a copy shall be furnished upon request to any person if accompanied by the proper fee.

3.60 PENALTIES FOR VIOLATIONS OF THE ZONING RESOLUTION: Any person, firm, or corporation violating the Zoning Resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than the maximum amount specified in Section 519.99 of the Ohio Revised Code. Each and every day during which such illegal erection, construction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

3.70 LEGAL REMEDY FOR VIOLATION OF THE ZONING RESOLUTION: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of law or of the Zoning Resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector or adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

3.80 SCHEDULE OF FEES, CHARGES, AND EXPENSES: The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, Certificates of Compliance, appeals, and other matters pertaining to this resolution. The schedule of fees shall be posted in the Office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 4 NONCONFORMING USES

4.00 INTENT: Within the districts established by this resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as otherwise specifically provided in Section 4.50

4.10 INCOMPATIBILITY OF NONCONFORMING USES: Nonconforming uses are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

4.20 GENERAL CONDITIONS: A nonconforming use existing at the time the zoning resolution takes effect may be continued, except that if it is voluntarily discontinued for two years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

Any building arranged, intended, or designed for a nonconforming use, the construction of which has been started at the time of the zoning resolution, but not completed may be completed and put to such nonconforming use, providing it is done within one year after the zoning resolution takes effect.

Any building or structure, existing as a nonconforming use at the time the zoning resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two years from the date of said destruction.

A building or structure devoted to a nonconforming use at the time the zoning resolution takes effect may not be altered or enlarged so as to extend said nonconforming use.

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4.30 CONVERSION OF USE: An existing legal non-conforming use may be converted to a different use if it is determined by the Board of Zoning Appeals that:

1. The proposed use would be more consistent with the intent of the zoning district in which it is located than is the current legal non-conforming use; and
2. A conversion from the current use to the proposed use would be advantageous both to the community and to the neighbors of the current legal non-conforming use.

To initiate such conversion, an application must be filed with the Board of Zoning Appeals. Such application must be accompanied by an affidavit, signed by the property owner, affirming that it is understood that, upon the approval of the application, the original use shall cease to be a legal non-conforming use, and that, instead, the use requested in the application shall become a permitted non-conforming use.

4.40 REAR HOUSES ON SINGLE LOTS: For the purpose of this Zoning Resolution, any rear house on a single lot shall be deemed to be a nonconforming use and shall be subject to the provisions of Section 4.00, 4.10 and 4.20 of this Zoning Resolution, unless such rear houses can be made to conform to the requirements of the zoning district in which it is located by subdividing said single lot to conform to the subdivision regulations currently in force for Columbia Township.

4.50 CHURCHES AND SINGLE-FAMILY RESIDENCES: A church, a single-family residence, or an accessory building to a church or single-family residence, which became nonconforming solely as a result of the adoption of or the amendment of this zoning resolution, may be altered or enlarged provided that such alteration or enlargement does not further encroach upon that area which must be left vacant in order to comply with the current setback, side yard, rear yard, and building height requirements as specified in Article 9 of this resolution. For such structures the building front line setback shall be defined as the distance from the road right-of-way to that part of the existing structure which extends closest to the road right-of-way.

A Home Occupation may be conducted in a residence which is located, as a non-conforming use, in a NB, HB, LI, or HI District, even though the residence does not meet the requirements set forth in the Official Schedule of District Regulations, provided however, that the Home Occupation meets all of the conditions set forth in Article 8, Section 8.252, of the resolution.

4.60 APPROVED PLATTED SUBDIVISION: A lot and/or a single-family residence within an approved platted subdivision which became nonconforming as a result of the adoption of, or the amendment of this zoning resolution, shall be regulated by lot size and front yard setbacks that were in effect at such time the subdivision was approved

ARTICLE 5 ADMINISTRATION

5.10 OFFICE OF ZONING INSPECTOR CREATED: A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

5.11 DUTIES OF ZONING INSPECTOR: For the purpose of this resolution the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done; or
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on Zoning Certificates and Certificate of Compliance and such similar administrative duties as are permissible under the law.

5.20 ZONING COMMISSION CREATED: There is hereby created a Columbia Township Zoning Commission of five (5) members and two (2) alternates, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The terms of each alternate shall be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

5.21 PROCEEDINGS OF ZONING COMMISSION: The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be filed in the Office of the Commission.

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5.22 DUTIES OF ZONING COMMISSION: For the purpose of this resolution the Commission shall have the following duties:

1. Review and/or initiate and review all proposed amendments to this resolution, and make recommendations to the Board of Township Trustees.
2. Review all disputes concerning boundary lines of Zoning Districts, and make recommendations to the Board of Township Trustees; and
3. Review Planned Residential Districts, and make recommendations to the Board of Township Trustees, in accordance with the provisions of Article 14, as approved herein.

5.30 BOARD OF ZONING APPEALS CREATED: There is hereby created a Township Board of Zoning Appeals of five (5) members and two (2) alternates, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The terms of each alternate shall be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Board of Zoning Appeals. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

5.31 POWERS AND DUTIES OF BOARD OF ZONING APPEALS:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning laws or any amendments thereto.
2. To authorize, upon appeal, in specific cases, a variance from the terms of the Zoning Resolution where owing to special conditions a literal enforcement of the provisions of the Zoning Resolution or any amendments thereto would result in:
 - A. An unnecessary hardship upon the applicant.
 - B. An adverse effect upon the aesthetics of the neighborhood.
 - C. A result contrary to the spirit and intent of the Zoning Resolution.

The provisions of this Zoning Resolution shall not be varied if:

- A. The purpose of the variance is based upon a financial hardship alone.

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- B. The difficulty producing the need for a variance is created by any person having an interest in the property.
 - C. The granting of the variance will be detrimental to the public welfare or injurious to other property in the neighborhood.
 - D. The granting of the variance will alter the existing character of the neighborhood.
 - E. The variance permits a use in a district in which such use is not a permitted use.
3. The following Practical Difficulties Test will be applied to all area variances:
- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - B. Whether the variance is substantial.
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - D. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
 - E. Whether the property owner purchased the property with the knowledge of the zoning restriction.
 - F. Whether the property owner's predicament can feasibly be obviated through some method other than a variance.
 - G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
4. To convert a legal non-conforming use to a use which is more consistent with the intent of the district in which the use is located and which is advantageous to the community and to the neighbors of the non-conforming use.
5. To grant Conditional Zoning Certificates for the use of land, buildings or other structures. Conditions for such Certificates shall be specified by the Board of Zoning Appeals.
6. In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and the Zoning Resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination sought to be made, and to that end shall have all power of the officer from whom the appeal is taken.

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7. The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer Oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses.

All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its determinations and other official actions, all of which shall be filed in the office of the Board of Township Trustees and shall be public record.

8. An appeal of a determination made by a public official, a request for a variance, a request for the conversion of a non-conforming use, the granting of a conditional zoning certificate or the modification of the conditions of a conditional zoning certificate shall require a minimum three affirmative votes in order for such request to be approved by the Board of Zoning Appeals.

An abstention shall be considered to be an affirmative vote if the majority of those voting have cast an affirmative vote. A member who withdraws from voting shall be considered to have temporarily absented him or herself from the meeting, thus if there are not three members present in addition to the member withdrawing from the vote, there shall not be a quorum present. In the absence of one or more of the members of the board, a request receiving a vote of two yes and one no, or two yes and two no, shall be considered to be rejected by the Board of Zoning Appeals.

In the event that only three members of the Board of Zoning Appeals are present at a public hearing, the applicant shall have the right to request that the vote on the application be continued to the next scheduled meeting of the board. Upon receiving such request from the applicant, the board may receive public input, but, prior to taking a vote, shall continue the public hearing to its next meeting.

9. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

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10. The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice to the parties in interest, including all abutting property owners, and decide the same within thirty (30) days after the applicant has submitted all information and materials necessary for the board to make a determination. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this County on the grounds that such decision was unreasonable or unlawful.

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ARTICLE 6 ZONING AMENDMENTS

6.00 INITIATION OF ZONING AMENDMENTS: Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore, by the Board of Township Trustees, or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon passage of such resolution certify it to the Township Zoning Commission.

6.10 CONTENTS OF APPLICATION: The application for amendment shall be in a form satisfactory to the Zoning Commission and contain the following information:

1. Name, address and phone number of applicant (if applicant is not owner, documentation of interest in the property and name and address of property owner is required);
2. Proposed amendment to the text or legal description;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning and other such items as the Zoning Inspector may require;
8. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
9. A statement on how the proposed amendment relates to the zoning in that area;
10. A fee as established by the Township Trustees.

6.20 PUBLIC HEARING BY THE ZONING COMMISSION AND LEGAL NOTICE: Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of certification of such resolution or the date of adoption of such motion or the date of filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

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6.21 SUBMISSION TO THE COUNTY OR REGIONAL PLANNING COMMISSION: Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

6.22 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION: If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and shall include all of the following:

1. The name of the Zoning Commission that will be conducting the public hearing;
2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
6. The name of the person responsible for giving notice of the public hearing by publication or by mail or by both publication and mail;
7. Any other information requested by the Zoning Commission;

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8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and the place of the public hearing, and shall include all of the following:

1. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication;
5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
6. Any other information requested by the Zoning Commission.

6.23 ACTION BY ZONING COMMISSION: The Township Zoning Commission shall within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and shall submit such recommendation together with such application or resolution, the text, and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees.

6.30 PUBLIC HEARING BY TOWNSHIP TRUSTEES AND LEGAL NOTICE: The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

1. The name of the board that will be conducting the public hearing;
2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;

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3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
5. The time and place where the motion, application or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
7. Any other information requested by the Board.

If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following.

1. The name of the board that will be conducting the public hearing on the proposed amendment;
2. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication;
5. Any other information requested by the Board.

6.31 ACTION BY TOWNSHIP TRUSTEES: Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

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6.40 EFFECTIVE DATE AND REFERENDUM: Such amendment adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after adoption of the amendment there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area in the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section such petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal with the Board of Township Trustees, which shall then transmit the petition within two weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

COLUMBIA TOWNSHIP ZONING RESOLUTION

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ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP

7.00 OFFICIAL ZONING MAP: The districts established in Article 7 of this resolution as shown on the Official Zoning Map, which together with all explanatory matter thereon, are hereby adopted as part of this resolution.

7.10 IDENTIFICATION OF THE OFFICIAL ZONING MAP: The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees, attested by the Township Clerk, and bearing the seal of the township.

7.20 LEGAL DESCRIPTION OF ZONING DISTRICTS: There is on file in the Office of the Township Clerk legal descriptions of each zoning district shown on the Official Zoning Map. These legal descriptions, except for the Flood Plain District as shown on the Official Zoning Map, are hereby incorporated by reference, adopted and made part of this resolution.

7.30 PUBLIC INSPECTION OF LEGAL DESCRIPTION: The legal descriptions, described in Section 7.20, above, shall be open to public inspection at the Office of the Clerk of the Township.

7.40 REDUCED COPY OF ZONING MAP: Attached to this resolution is a reduced copy of the Township Zoning Map, which reduced copy shall not constitute the Official Zoning Map, but is included in this resolution for convenience only.

COLUMBIA TOWNSHIP ZONING RESOLUTION

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ARTICLE 8 ESTABLISHMENT AND PURPOSE OF DISTRICTS

8.00 DISTRICTS ESTABLISHED: All uses, whether permitted or conditionally permitted in zoning districts are subject to all applicable regulations in Articles 9, 10, 11, 12, 13 and 14 and all other provisions of this Zoning Resolution. The unincorporated area of Columbia Township is hereby divided into the following districts:

1. **Agriculture:**

 No district boundaries

2. **Residential:**

 R2: One (1) acre lot requirements
 R3: Two (2) acre lot requirements

3. **Business:**

 GB: General Business

4. **Industrial:**

 Industrial

5. **Special:**

 FP: Flood Plain
 REC: Recreation

6. **Planned United Development:**

 R-PUD: As defined in Article 14

8.10 AGRICULTURE: Land in any district may be used for agricultural purposes. A zoning Certificate is required for agricultural buildings, but no fee shall be charged. A Certificate of Compliance is required for buildings used for agricultural purposes but no fee shall be charged.

8.20 RESIDENTIAL DISTRICTS:

8.21 R1 DISTRICT: The purpose of this district is to accommodate existing high-density residential development which is existing at the time of this zoning amendment. It is the intent of these provisions to allow the continuation of the existing high-density development as a permitted rather than nonconforming uses, but not to encourage or permit either expansion of the high-density development, or the establishment of additional high-density developments.

8.22 R2 DISTRICT: The purpose of this district is to maintain existing medium-density development, as well as serve as a buffer between existing high-density development and low-density development to protect the rural residential character and property values of the rural character of the township with minimum one (1) acre lot sizes.

8.23 R3 DISTRICT: The purpose of this district is to manage low-density residential development that will preserve the rural residential character of Columbia Township with minimum two (2) acre lot sizes.

8.231 Planned Residential Development Districts, PRDD1 PRDD2, and PRDD3: The purpose of these districts is to accommodate existing planned residential development district final development plans which were approved by the Township Board of Trustees prior to the Township's decision to remove PRDD districts from the zoning resolution. It is the intent of this provision to allow the continuation of the PRDD districts in place within Columbia Township as a permitted rather than nonconforming use, but not to allow or permit the expansion of existing PRDD districts, or the establishment of new PRDD districts. Existing PRDD districts are governed entirely by the Final Development Plans previously approved by the Board of Trustees.

8.24 PERMITTED USES IN R1, R2 AND R3 DISTRICTS: In the R1, R2 and R3 Districts no land may be used or occupied and no structure erected, altered or used except for the following:

1. Single family dwellings and buildings accessory thereto.
2. Permanently-Sited Manufactured Home, only if it meets all the following criteria:
 - A. The structure was manufactured after January 01, 1995.
 - B. The structure is affixed to a permanent foundation and is connected to appropriate facilities.
 - C. Have at least one thousand sixty (1060) square feet of living area or whatever greater square footage is required by zoning and have a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet as manufactured.
 - D. The structure has a minimum "A" roof pitch of 3:12, conventional residential siding and a six (6) inch minimum eave overhand, including appropriate guttering.

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- E. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
 - F. The title for such structure shall be surrendered to the Auditor to tax said structure as real estate from that day forward.
 - G. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district.
3. Child day care homes which care for no more than six (6) children in any one day and which meet the requirements of a Type B child care home as defined in the Ohio Revised Code and any regulations relating thereto.
4. A single family dwelling may be converted to allow for the incorporation of an extended family dwelling unit only if both segments of the dwelling unit meet all of the following conditions; and an extended family dwelling unit already incorporated into a single family dwelling may be occupied only if it meets all of the following conditions:
- A. Both segments of the dwelling must be owned by the same individual or individuals.
 - B. The residents of both segments of the dwelling must be related by blood, marriage or adoption.
 - C. The living (excluding garages) of both segments must share a common wall, with such wall containing a door between the two segments of the dwelling; or the living areas of such segments must share a common floor/ceiling, with an internal stairway connecting the two segments of the dwelling.
 - D. The two segments of the dwelling must be served by no more than one electric meter, one gas meter and one water meter.
 - E. The owner, or all owners if theirs is a joint ownership, must sign and submit to the zoning inspector an affidavit affirming that:
 - 1. They understand the conditions of the Columbia Township Zoning Resolution as apply to an extended family dwelling unit.
 - 2. Upon the renting, leasing or selling of the dwelling, they will inform the prospective renter, lessee or buyer that Columbia Township Zoning will not permit the dwelling to be used as a two-family dwelling.

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3. They will inform any real estate agent involved with the renting, leasing or sale of dwelling that Columbia Township Zoning will not permit the dwelling to be used as a two-family dwelling.

8.25 CONDITIONALLY PERMITTED USES IN R1, R2 AND R3 DISTRICTS: The following uses shall be classed as conditionally permitted uses and may be permitted subject, however, to the following conditions and review by the Board of Zoning Appeals:

8.251 ADULT FOSTER CARE HOME: Adult foster care provides an alternative to loneliness, isolation and unnecessary nursing home placement by offering warm and caring homes to adults who can no longer live by themselves but do not require nursing care. Adult foster care is a setting which offers a family-like atmosphere. Living in a family and becoming a contributing member is probably one of the most valuable living arrangements some people may ever receive. An adult foster home is a personal residence or family home in which accommodations and personal assistance are provided. An adult foster home cannot admit or serve an individual who requires skilled nursing care or cannot take their own medication. An adult foster care home is by definition not intended to include a skilled nursing facility.

It will be subject to a Conditional Use Certificate and to all lot regulations of the district in which it is located. It is further subject to the following conditions and certification of conditions must be completed and presented to the Board of Zoning Appeals at the time of the hearing:

1. The "Adult Foster Care" use is limited to not more than four (4) adults.
2. The homeowner and caregiver must be the same person and shall reside in the home.
3. Must have an EPA or Lorain County Health Board approved adequate sanitation system. Must have an inspection and service contract for the sanitation system; minimum of two inspections per year. Copies of the Inspection reports shall be received by the Township Trustees and the Lorain County Health Department.
4. A yearly review of the Conditional Permit is required by the Board of Zoning Appeals.
5. An initial inspection and yearly review is required by the Fire Department and their recommendations must be met.
6. Adequate parking is required, with the driveway and parking areas being surfaced with asphalt or concrete.
7. No exterior signs are permitted for this conditional use.
8. No expansion is permitted.
9. Limited to ambulatory people.

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10. Must meet state or county, current and future licensing requirements.
11. All Lorain County Human Services "Standards for Adult Family Homes" must be fully complied with.
12. Smoke detectors are required in each and every room and hallway.
13. A central alarm system must be installed in the building covering all exits to alert the person on duty of the opening of any exit door.

It will also be subject to any conditions deemed necessary by the Board of Zoning Appeals provided by Article 5, Section 5.31.

8.252 HOME OCCUPATIONS: It is the purpose of this section to promote the public health, safety and welfare through the regulations of home occupations. It is further the intent of this section to allow limited non-residential uses in residential structures when such uses are compatible with the residential character of their surroundings.

Home Occupations are subject to a Conditional Use Certificate and are further subject to the following conditions:

1. Only members of the family residing on the premises shall be engaged in such Home Occupations.
2. No Home Occupation shall be conducted in any attached garage, detached garage or accessory building.
3. Not more than ten percent (10%) of the floor area of the dwelling, not to exceed three hundred (300) square feet, shall be used in the conduct of the Home Occupation. For the purpose of this section, "floor area" shall include the basement but shall not include the garage.
4. No change in the outward appearance of the building or premises, such as window displays, sign boards or vehicle signs, shall be permitted to advertise the Home Occupation business.
5. No traffic shall be generated by such Home Occupation in greater volume than would normally be expected in a residential district.
6. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or pick-up truck. Receipt or delivery of merchandise by parcel or letter carrier mail service using vehicles typically employed in residential districts shall be permitted. No vehicle larger than a pickup shall be brought to the home.

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7. No outside storage or display of anything connected to the Home Occupation shall be permitted.
8. No equipment or process shall be used in any Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in the line voltage off the premises.

All conditions listed for Home Occupation must be met. The Board of Zoning Appeals may add additional conditions, under provisions of Article 5, Section 5.31, if it is deemed necessary.

8.253 PARTY CENTER AND CATERING SERVICE for utilization of a Columbia School no longer needed for school purposes:

The use is subject to the following conditions to lessen the impact it would have on surrounding residences:

1. A sixty percent (60%) density screen of trees six (6) feet high is required around the entire property and must reach six (6) feet within one year's time. (This is a measurable density.)
2. All access shall be off Root Road frontage and the driveway moved two hundred (200) feet southeast so it will not be opposite a dwelling. The Hawke Road entrance will be closed and planted with trees.
3. All activities shall be confined to the building. No outside uses are permitted.
4. All regular parking areas and drives must be hard surfaced so as to be dust free.
5. One sign will be permitted at the entrance drive and may be lighted when the hall is in use.
6. Closed rodent control trash containers must be provided and the area kept clean and free of litter.
7. Parking lot and driveway lighting should be shielded from adjacent properties.
8. Party hours will not be later than 1:00 a.m. on weekends and no Sunday morning rental use is permitted.
9. Rock concerts or such activities are not permitted uses.
10. Any other conditions that the Board of Zoning Appeals may deem necessary may be added.
11. Contract for sewer plant maintenance predicated on Health Department specifications.

8.254 RELIGIOUS INSTITUTIONS: (Effective 11/6/03)

1. Parking shall be provided as indicated in Article 11.
2. All buildings, structures, accessory buildings including parking areas or garages shall be set back seventy-five (75) feet from any adjacent residential lot.
3. All buildings, structures, accessory buildings including garages shall have a one hundred (100) foot front yard setback from the road right of way. *(Revised 3/31/2010)*
4. Street frontage must be at least two hundred (200 ft.).
5. A lot of area of one (1) acre per one hundred seats with a minimum lot area of three (3) acres is required.
6. Access roads and driveways shall be located not less than one hundred fifty (150) feet from any intersection and shall be designed with due regard for traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.
7. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded with minimal spill on to adjacent properties.
8. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent properties.
9. The operation of the Institution shall be conducted in a manner that does not create noise measured at the nearest residential lot boundary that exceeds the A weighted decibel (dB(A)) sound level of the street traffic noise at that location, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.
10. Any other conditions that the Board of Zoning Appeals may deem necessary including limitations on the total square footage of buildings.
11. An annual review of the Conditional Use Permit shall not be required.

8.255 WIND ENERGY CONVERSION SYSTEMS:

Wind Energy Conversion Systems are conditionally permitted in the R3 District only, with the conditions specified in **Article 16. (Effective 6/03/09)**

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8.30 GENERAL BUSINESS DISTRICT: (Effective 11/14/2018)

8.31 THE PURPOSES OF THE GENERAL BUSINESS DISTRICT ARE TO:

- A. Encourage development of commercial and service uses primarily to accommodate the sale of convenience retail goods and personal services.
- B. Encourage the type and design of commercial uses that are compatible in scale, character, and intensity with the neighboring residential development.
- C. Encourage groupings of commercial establishments.
- D. Provide for adequate off-street parking facilities as specified in Article 11.

8.32 PERMITTED USES:

- A. Banks and other financial institutions.
- B. Food and drink preparation/sales on premises, including but not limited to bakeries, cafes, delicatessens, grocery stores, meat markets, restaurants, and taverns.
- C. Personal services establishments, including but not limited to barber shops, beauty salons, and shoe repair shops.
- D. Professional and commercial offices, including but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents, and printing/copying services.
- E. Retail establishments, including but not limited to antique stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, farm supply stores, drug stores, electronic stores, art and craft supply stores, sporting goods stores, and jewelry stores.
- F. Funeral homes and ambulance service.
- G. Studios such as dance, art, music, photography, and interior design.
- H. Entertainment services such as theaters, auditoriums, assembly halls, mini golf, arcades, party centers, and bowling alleys.
- I. Vehicle sales, recreational vehicle sales, marine sales, and all-terrain vehicle sales.

8.33 CONDITIONALLY PERMITTED USES: The following uses shall be classed as Conditionally Permitted Uses and may be permitted subject, however, to the following conditions and review by the Board of Zoning Appeals. Conditionally Permitted Uses are subject to all requirements for permitted uses in Commercial District as outlined in the Official Schedule of District Regulations, as well as specific regulations for each. Conditionally Permitted Uses require a Conditional Use Certificate.

8.331 SERVICE STATIONS:

- A. Maximum width of curb opening for stations should not be more than thirty-five (35) feet nor less than twenty (20) feet.
- B. No driveway or curb cut for a driveway shall be located within ten (10) feet of any adjoining property line or within twenty (20) feet of an exterior (corner) lot line as extended.
- C. Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of twenty (20) feet from the right-of-way line.
- D. The angle of intersection of the centerline of the driveway with the centerline of the street shall be not less than sixty (60) degrees.
- E. Landscaping: Any unpaved areas of the site shall be landscaped or maintained in a dust free condition and separated from the paved areas by a curb or other barrier.
- F. When such use abuts a lot in any Residential District, a three (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 six (6) 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 trees shall be incorporated which will attain a height of three (3) feet from the street right-of-way line to the building line and six (6) feet along the remainder of the property lines.
- G. Service Equipment: Gasoline pump-island, compressed air connections and other equipment shall be setback a minimum of thirty (30) feet from any right-of-way line. Hydraulic hoists, pits, and all lubrication, washing, and repair equipment shall be enclosed entirely within a building.

8.332 AUTOMOBILE REPAIR GARAGES:

- A. Automobile, truck, and trailer repairs shall be conducted completely within an enclosed building.
- B. When such use abuts a lot in any residential district a three (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 six (6) 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 trees shall be incorporated, which will attain a height of three (3) feet from the street right-of-way line to the building line and six (6) feet along the remainder of the property lines.
- C. No more than two driveway openings shall be permitted directly from any major thoroughfare nor more than one driveway opening from any minor street, each of which shall not exceed thirty (30) feet in width at the property line. At its intersection with the property line, no part of any access way shall be nearer than one hundred (100) feet to the intersection of any two street right-of-way lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property lines.

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8.333 AUTOMOBILE AUTOMATIC WASH AND POLISH STATIONS:

- A. A sand trap for waste water with a minimum capacity of one hundred twenty (120) cubic feet shall be provided within the building for the protection against ground water pollution. Said waste water shall be handled according to accepted County Health Board practices. Said use shall be located a minimum of one hundred (100) feet from any lot in a Residential District.
- B. The sale of incidental products is permitted.
- C. Repair work shall not be permitted.
- D. Automobile washing and polishing services shall be performed totally within an enclosed building with the exception that finishing of vehicles may be conducted outside the building.
- E. A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any site property line which abuts property zoned for residential use.

8.334 VETERINARY HOSPITALS AND KENNELS:

- A. Runways, Exercise Areas: All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly, and sanitary condition, and shall be free from any condition that will menace the health of the animals enclosed therein or the public, or which constitutes a nuisance.
- B. The sale of incidental products is permitted.

8.335 RELIGIOUS INSTITUTIONS AND NONRELIGIOUS INSTITUTIONS (Effective 11/6/03):

- A. Parking shall be provided as indicated in Article 11.
- B. All buildings, structures, accessory buildings including parking areas or garages shall be set back seventy-five (75) feet from any adjacent residential lot.
- C. A lot area of one (1) acre per one hundred seats is required.
- D. Access roads and driveways shall be located not less than one hundred fifty (150) feet from any intersection and shall be designed with due regard for traffic safety and the maintenance of a smooth and efficient flow of traffic in the area.
- E. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded with minimal spill on to adjacent properties.
- F. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent properties.

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- G. The operation of the Institution shall be conducted in a manner that does not create noise measured at the nearest residential lot boundary that exceeds the A weighted decibel (dB (A)) sound level of the street traffic noise at that location, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.
- H. Any other conditions that the Board of Zoning Appeals may deem necessary including limitations on the total square footage of buildings.
- I. An annual review of the Conditional Use Permit shall not be required.

8.336 WIND ENERGY CONVERSION SYSTEMS:

Wind Energy Conversion Systems are conditionally permitted in the General Business District with the conditions specified in Article 16. *(Effective 6/3/09)*

8.337 SKILLED CARE FACILITY:

A Skilled Care Facility includes:

- A. "Skilled Nursing Home" means care procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.
- B. "Nursing Home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide personal assistance and skilled nursing care.
- C. "Rest Home" means a home which provides personal assistance for five (5) or more individuals who are dependent on the services of others by reason of age or physical or mental impairment but who do not require skilled nursing care. A rest home is licensed to provide only accommodations and personal assistance and may not admit individuals requiring skilled nursing care.
- D. "Home for the Aging" means a home that provides:
 - 1. Personal assistance for five (5) or more individuals who are dependent on the services of others by reason of age and physical or mental impairment, but who do not require skilled nursing care.
 - 2. Personal assistance and skilled nursing care for three (3) or more individuals. The part or unit of the home for the aging that provides personal assistance is licensed as a rest home. The part or unit that provides skilled nursing care is licensed as a nursing home.
- E. "Child Care Facility" means a facility that administers to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours by persons other than parents, guardians, or custodians for a part of the 24-hour day. Child care is limited to a program licensed or required to be licensed by the State of Ohio pursuant to the Ohio Revised Code.

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A Skilled Care Facility is by definition not intended to include an Adult Foster Care Home (see Article 8.251). The skilled care facility must meet all conditions set forth in the Ohio Revised Code and Licensure Law. It is further subject to the following conditional zoning requirements which must be met:

1. An appropriate landscape buffer is required.
2. Site development plans must be included. The plan must show building locations, parking areas, open space, drainage, contours, ingress and egress ways, and landscaped buffer areas drawn to a required scale of one-inch equals one hundred feet.
3. Sign requirements and setbacks as specified in Article 12 Signs.
4. An initial inspection and semi-annual review by the Lorain County Health Department and compliance with their recommendation must be met.
5. Must have an inspection and service contract for the sanitation system; minimum of two inspections per year. Copies of the inspection reports shall be received by the Township Trustees and the Lorain County Health Department.
6. It will also be subject to any conditions deemed necessary by the Board of Zoning Appeals as provided by Article 5, Section 5.31.

8.338 SCHOOLS:

For the purpose of this section, schools shall be defined as non-locally tax supported schools, such as business, trade, private, and similar institutions, and shall be subject to the following conditions:

- A. Access roads and driveways shall be located not less than one hundred fifty (150) feet from any intersection.
- B. Parking shall be provided as indicated in Article 11.
- C. Any other conditions that the Board of Zoning Appeals deems necessary.

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8.40 INDUSTRIAL DISTRICT (Effective 10/31/2018)

8.41 PURPOSE OF THE INDUSTRIAL DISTRICT

The purpose of the Industrial District is to provide for, accommodate, and encourage the creation of industrial park communities in the fields of manufacturing, processing, wholesaling, distribution, repair, and storage. These uses should not create dangers to public health and safety, offensive noise, vibration, air pollution, glare, or other objectionable influences. These uses should also operate entirely within enclosed structures or fenced in areas and generate light industrial traffic.

8.42 PERMITTED USES IN THE INDUSTRY DISTRICT:

- A. Warehousing
- B. Wholesale Distribution Establishments
 - 1. Food and goods distribution.
 - 2. Building materials, sales yard and lumber yard, including mill work within an enclosed building.
- C. Contractor's equipment storage and rental of equipment commonly used by contractors.
- D. Public storage units, garages, and yard.
- E. Food and drink preparation: bakeries, canning, freezing, refrigeration, roasting, ice manufacturing, bottling works and creameries.
- F. Repair and sales establishments: automobiles, body and paint, buses, trucks, machinery, and household appliances.
- G. Light cutting, light stamping, extrusion, machining, welding, sawing, cleaning, shot and sandblasting, grinding, powder coating, enameling, painting, finishing, heat-treating, and rust proofing as a component process in connection with the production.
- H. Research and development.
- I. All uses permitted in the General Business Districts, but subject to the lot size requirements of the Industrial District.

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8.50 SPECIAL DISTRICTS:

8.51 FP: FLOOD PLAIN DISTRICT: For the purpose of protecting the public health, comfort and welfare, and to encourage the establishment of recreational facilities, the Flood Plain District is created for those areas in the township which are subject to the 1% annual chance flood as shown on the Federal Emergency Management Agency's Map (FEMA). Any landowner seeking to develop property in the Flood Plain must obtain prior approval through the Lorain County Community Development Department. The remaining provisions in this section will be applicable only after the landowner has obtained approval from Lorain County.

8.52 PERMITTED USES IN FLOOD PLAIN DISTRICT:

1. Agricultural uses and accessory buildings and structures therefore, except dwellings and structures for the year-round habitation of animals.
2. Public and private park and recreation facilities.
3. Bridle trails for use of riding clubs or commercial stables providing the trail is located in the center of a one hundred (100) foot right-of-way owned or leased for this purpose.
4. Golf course, standard of nine (9) or eighteen (18) holes, provided no artificial lighting is used.

8.521 CONDITIONALLY PERMITTED USES IN THE FLOOD PLAIN DISTRICT:

1. Commercial park and recreation facilities defined as:
 - A. Picnic areas in which picnic tables, outdoor fireplaces, storm shelters, and similar facilities may be erected.
 - B. Ponds, pools, and lakes for boating, fishing, and swimming when state and county health and safety requirements are met.
 - C. Recreation areas for non-professional baseball, football, tennis, and other outdoor sports.
 - D. Children's playground equipment such as swings, slides, jungle bars, etc.
 - E. Sale of ready to consume food, non-alcoholic beverages, fishing bait, and fishing tackle.
2. Any change of existing terrain.

8.522 YARD REQUIREMENTS FOR CONDITIONALLY PERMITTED USES IN THE FLOOD PLAIN DISTRICT:

1. Park or recreation area shall have a minimum area of ten (10) acres.
2. A one hundred (100) foot buffer zone, free of any buildings, structures, equipment, parking, or activities shall be maintained along all public road right-of-ways and abutting property lines except when the abutting property line is specified as the center of Rocky River or the center of Plum Creek, or the abutting property line is within the Flood Plain District.
3. Access drives through Residential Districts shall be located in the center of a sixty (60) foot right-of- way free of any structures or buildings.

8.53 REC: RECREATIONAL DISTRICT: The purpose of the recreation district is to provide adequate land areas for the development of various types of recreational uses for the enjoyment and pursuit of the residents of Columbia Township.

8.54 PERMITTED USES IN THE RECREATIONAL DISTRICT: One or more of the following:

1. Golf courses
2. Golf driving ranges
3. Swimming parks
4. Public parks, playgrounds
5. Botanical gardens
6. Any accessory use or structure clearly incidental or similar to the principal use; except that clubhouses or pavilions used specifically for permitted uses in the Recreational District shall be allowed, but shall be subject to the requirements of Section 8.541, following. Portable sanitary toilets are permitted provided they are screened or shielded from view of residential areas and public roads.

8.541 REQUIREMENTS FOR CLUBHOUSES AND PAVILIONS ALLOWED IN A RECREATION DISTRICT: All clubhouses and pavilions allowed in the Recreation District shall be subject to the following requirements:

1. In all cases, rear yards and side yards, including related parking as part of the facility not to encroach on the side or rear yard, shall be a minimum of two hundred (200) feet from any abutting property line or zoning district. The rear yard or side yard shall be appropriately landscaped, so as to screen the clubhouse or pavilion and related parking from view. The appropriateness of the landscaping shall be subject to review and approval by the Zoning Commission prior to the issuance of a Zoning Certificate by the Zoning Inspector.
2. In all cases, front yard setbacks, including related parking as part of the facility not to encroach on the front yard setback, shall be a minimum of two hundred (200) feet from the right-of-way. The front yard shall be appropriately landscaped, so as to screen the clubhouse or pavilion and related parking from view. The appropriateness of the landscaping shall be subject to review and approval by the Zoning Commission prior to the issuance of a Zoning Certificate by the Zoning Inspector.
3. In all cases, access to and from the clubhouse or pavilion to and from the right-of-way shall meet the requirements of this Resolution and Article 11, subject to review and approval by the Zoning Commission prior to the issuance of a Zoning Certificate by the Zoning Inspector.
4. In order to facilitate the review and approval procedure of the Zoning Commission, specifically required above, it shall be a requirement of an application for the Zoning Certificate that detailed plans of the clubhouse or pavilion, related parking and access be submitted concurrently with said application. From the time of submission of a complete application, the Zoning Commission shall have twenty (20) days to review and make its recommendations on Subsections #1, #2, and #3 above; unless by specific agreement of the applicant and the Zoning Commission, in writing, said time is mutually extended.

8.542 CHANGE IN ZONING REQUIRED: A change in zoning is required for all proposed Recreation District uses and detailed plans showing location of access drives, clubhouses, pavilions, and all other buildings and uses must be submitted with all requests for Recreation District Zoning.

COLUMBIA TOWNSHIP ZONING RESOLUTION

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ARTICLE 9 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

9.10 COMPLIANCE WITH REGULATIONS: The regulations for each district set forth by the Official Schedule of District Regulations, Section 9.40 of this resolution, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - A. to provide for greater height or bulk;
 - B. to accommodate or house a greater number of families;
 - C. to occupy a greater percentage of lot area; or
 - D. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution;
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein:

9.11 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport. Certain manufacturing operations may require greater height and will require the Board of Zoning Appeals' approval to exceed heights specified in this section.

9.20 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED: District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted as Sections 9.40 and 9.40R and declared to be a part of this resolution and in Article 10 of this resolution, entitled "General District Regulations."

9.30 IDENTIFICATION OF OFFICIAL SCHEDULE OF DISTRICT REGULATIONS: The Official Schedule of District Regulations, Sections 9.40 and 9.49R, shall be identified by the signature of the Board of Township Trustees, attested by the Township Clerk, bearing the seal of the Township, the resolution number, and the date of adoption.

COLUMBIA TOWNSHIP ZONING RESOLUTION

9.40 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS (APPLICABLE ONLY TO CONSTRUCTION AND/OR DEVELOPMENT COMMENCED PRIOR TO 3/4/98)

DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH (a)	MINIMUM LOT SETBACK	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM BUILDING HEIGHT	MAXIMUM % LOT COVERAGE
R1A (RESIDENTIAL)		50'	30' (c)	10' & 6'	10' (2)	30'(g)	(h)
R1 (RESIDENTIAL)	½ ACRE	100'	50' (b)	15'	30' (2)	30'(g)	(h)
R2 (RESIDENTIAL)	1 ACRE	125'	100' (d)	15'	50' (2)	30'(g)	(h)
R3 (RESIDENTIAL)	2 ACRES	200'	100'(d)	20'	50' (2)	30'(g)	(h)
NB (NEIGHBORHOOD BUSINESS)	1 ACRE	125'	100' (e)	15' (f)	40' (f)	35'	30%
HB (HIGHWAY BUSINESS)	1 ACRE	125'	100' (e)	15' (f)	40' (f)	35'	30%
LI (LIGHT INDUSTRY)	2 ACRES	200'	100' (e)	25' (f)	25' (f)	50'	--
HI (HEAVY INDUSTRY)	2 ACRES	200'	100' (e)	25' (f)	25' (f)	50'	--
FP (FLOOD PLAIN)	10 ACRES	SEE ARTICLE 8					
REC (RECREATIONAL)	5 ACRES	125'	100'	100'	100'	35'	10%

NOTES (1 acre=43,560 sq. ft.)

- Ponds, lakes, and reservoirs shall not be subject to the provisions of the Official Schedule of District Regulations. Instead, they shall be controlled by the provisions of Section 10.72.
 - All lot acreage and lot setbacks are measured from the road right-of-way (R.O.W.) lines.
 - When measuring the distance from a structure to any lot line, the measurement shall be taken from that part of the structure which extends the closest to such lot line even if such structure extends beyond the foundation of the structure. However, roof overhangs and external accessories such as eave downspouts, utility meters and bay windows shall not be included in such measurement.
- (a) The minimum footage denoted in this column represents both:
1. The minimum continuous lot width (measured at the building set back line); and
 2. The minimum continuous lot frontage (measured at the road right-of-way).
- (b) On corner lots the setback from the non-facing street right-of-way line shall be 35 feet
- (c) On corner lots the setback from the non-facing street right-of-way line shall be 15 feet.
- (d) On corner lots the setback from the non-facing street right-of-way line shall be 50 feet.
- (e) A 15' deep unobstructed buffer strip shall be provided, and parking in this shall be prohibited.
- (f) Commercial buildings or uses shall not be located closer than seventy-five (75) feet from any lot line in a Residential District. Industrial buildings or uses shall not be located closer than one hundred (100) feet to any lot line in a Residential District.
- (g) The height of an accessory building shall not exceed fifteen (15) feet in the R1A district, or twenty (20) feet in the R1, R2, or R3 districts. However, an accessory building which is fifty (50) feet from both the side and rear lot lines may be thirty (30) feet in height.
- (h) The total square footage for all accessory buildings shall be limited to ten percent (10%) of an area determined by subtracting the current front setback required in the district from the total square footage of the property.

COLUMBIA TOWNSHIP ZONING RESOLUTION

9.40R OFFICIAL SCHEDULE OF DISTRICT REGULATIONS (APPLICABLE TO CONSTRUCTION AND/OR DEVELOPMENT COMMENCED ON OR AFTER 3/4/98)

DISTRICT	MIN. LOT AREA	MIN. LOT FRONTAGE	MIN. SETBACK	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT	MAX. % L O
PERMITTED USES							
R1 (RESIDENTIAL)	½ ACRE	100'	50' (b)	15'	30' (2)	30' (f)	(g)
R2 (RESIDENTIAL)	1 ACRE	125'	100' (c)	15'	50' (2)	30' (f)	(g)
R3 (RESIDENTIAL)	2 ACRES	200'	100' (c)	20'	50' (2)	30' (f)	(g)
R-PUD (RESIDENTIAL)		PER	ARTICLE	14			
GB (GENERAL BUSINESS)	1 ACRE	125'	100' (d)	15' (e)	25' (e)	35'	30%
I (INDUSTRIAL)	2 ACRES	200'	100' (d)	25' (e)	25' (e)	50'	-
FP (FLOOD PLAIN)	10 ACRES	SEE ARTICLE 8					
REC (RECREATIONAL)	5 ACRES	125'	100'	100'	100'	35'	10%

NOTES

- A lot of record existing prior to March 04, 1998, located in an R1A, R1 or R2 district, as designated on the Zoning Map in Article 9, dated 12/11/95, which complies to the Official Schedule of District Regulations amended on 01/19/95, shall be a conforming lot.
 - Ponds, lakes, and reservoirs shall not be subject to the provisions of the Official Schedule of District Regulations. Instead, they shall be controlled by the provisions of Section 10.72.
 - All lot acreage and lot setbacks are measured from the road right-of-way (R.O.W.) lines.
 - When measuring the distance from a structure to any lot line, the measurement shall be taken from that part of the structure which extends the closest to such lot line even if such structure extends beyond the foundation of the structure. However, roof overhangs and external accessories such as eave down spouts, utility meters and bay windows shall not be included in such measurement.
 - On lots with more than 75% of the frontage on the bulb portion of any new cul-de-sac in the R3 district, the frontage shall be measured either on the curve 20 feet from the edge of the road surface or at the road right-of-way whichever is closer to the road surface. This frontage can be as little as 125 feet, provided that at the building line, the lot width is at least 200 feet.
 - Trailers, mobile motor homes, and shipping containers and any other objects originally designed for over the road transportation or shipping of goods may not be used as accessory buildings. *(Effective 7-7-04)*
- (a) On corner lots the setback from the non-facing street right-of-way line shall be 15 feet.
 - (b) On corner lots the setback from the non-facing street right-of-way line shall be 50 feet.
 - (c) A 20' deep unobstructed buffer strip shall be provided, and parking in this shall be prohibited. *(Effective 7-2-03)*
 - (d) Commercial buildings or uses shall not be located closer than seventy-five (75) feet from any lot line in a Residential District. Industrial buildings or uses shall not be located closer than one hundred (100) feet to any lot line in a Residential District.
 - (e) The height of an accessory building shall not exceed fifteen (15) feet in the R1 district, or twenty (20) feet in the R2 or R3 districts. However, an accessory building which is fifty (50) feet from both the side and rear lot lines may be thirty (30) feet in height.
 - (f) The total square footage for all accessory buildings shall be limited to ten percent (10%) of an area determined by subtracting the current front setback required in the district from the total square footage of the property.

COLUMBIA TOWNSHIP ZONING RESOLUTION

9.40R OTHER REGULATIONS (Prior to 3/4/98)

1. All provisions of Article 10, 11 and 12 apply where applicable.
2. In the R1 and R2 Districts, an accessory building may have a minimum rear yard clearance of fifteen (15) feet and in the R1A District an accessory building may have a minimum rear yard clearance of six (6) feet.
3. In all districts except R1A, no driveway shall be closer than five (5) feet to any lot line. In an R1A District, no driveway shall be closer than two (2) feet to any lot line.

9.40R OTHER REGULATIONS (Effective 8/05/2007)

1. All provisions of Article 10, 11, 12, and 14 apply where applicable.
2. In the R1, R2 and R3 Districts, an accessory building may have a minimum rear yard clearance of fifteen (15) feet. In a District designated R1A under Official Schedule 9.40 (Prior to 3/4/98) the minimum rear yard clearance defined in Article 9.40 shall apply.
3. In all districts no driveway shall be closer than five (5) feet to any lot line. In a District designated R1A under Official Schedule 9.40 (Prior to 3/4/98) no driveway shall be closer than two (2) feet to any lot line.
4. The permitted uses of Article 9.40 Official Schedule of District Regulations (Prior to 3/4/98) pertaining to R1A shall apply to any parcel(s) rezoned R1 after 3/4/98 and prior to 8/05/2007.

9.40R OTHER REGULATIONS (Effective 3/23/2023)

1. In a Residential District a new construction home may be built to replace a current existing home provided:
 - a. The current existing home is a conforming use in its current Residential District.
 - b. The new construction home meets all lot and setback restrictions in its current Residential District.
 - c. The existing home shall be removed from the premises within 3 months of receiving a "Certificate of Compliance" for the new dwelling from the zoning inspector.
 - d. All other District Regulations applicable to construction and for development are met.

COLUMBIA TOWNSHIP ZONING RESOLUTION

SCHEDULE OF DWELLING REQUIREMENTS IN RESIDENTIAL DISTRICT IN SQUARE FEET						
DISTRICT		1 STORY WITHOUT BASEMENT	1 STORY WITH BASEMENT	1-1/2 STORY	2 STORY	MULTI-LEVEL
R-PUD	FIRST FLOOR LIVING AREA	1240	1160	1000	1000	1160
	TOTAL LIVING AREA		1160	1240	1240	1240
R1	FIRST FLOOR LIVING AREA	1140	1060	900	900	1060
	TOTAL LIVING AREA		1060	1140	1140	1140
R2	FIRST FLOOR LIVING AREA	1240	1160	1000	1000	1160
	TOTAL LIVING AREA		1160	1240	1240	1240
R3	FIRST FLOOR LIVING AREA	1240	1160	1000	1000	1160
	TOTAL LIVING AREA		1160	1240	1240	1240

COLUMBIA TOWNSHIP BOARD OF TRUSTEES

Adopted _____ Resolution number _____

TOWNSHIP TRUSTEE _____ TOWNSHIP TRUSTEE _____

TOWNSHIP TRUSTEE _____ TOWNSHIP FISCAL OFFICER _____

COLUMBIA TOWNSHIP ZONING RESOLUTION

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ARTICLE 10 GENERAL DISTRICT REGULATIONS

10.00 GENERAL: The purpose of these regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

10.10 ACCESS DRIVES: There shall be no access drives through any district to any use which is not permitted in that district.

10.20 TEMPORARY STRUCTURES:

10.21 TEMPORARY CONSTRUCTION SITES: Temporary buildings, construction trailers, temporary portable sanitary toilets, equipment, and materials used only in conjunction with construction work may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a Zoning Permit authorized by the Board of Zoning Appeals.

10.22 TRAILERS AND/OR MOBILE/MOTOR HOMES: Occupied trailers and/or mobile/ motor homes are not permitted in any zoning district except on a thirty (30) day temporary basis requiring a temporary permit. Only one trailer or mobile/motor home may be temporarily occupied on any parcel for a period of thirty (30) days, provided that:

1. Application is filed with the Zoning Inspector by the property resident or dweller within seventy-two (72) hours after the arrival on the property.
2. A fee established by the Township Trustees has been paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" for a period of thirty (30) days only, the same not to be renewed within the calendar year.

10.30 YARD AND VISIBILITY REQUIREMENTS:

10.31 VISIBILITY AT INTERSECTIONS IN ALL DISTRICTS: On a corner lot in all districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street line of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

10.32 FENCE AND WALL RESTRICTIONS IN FRONT YARDS: In any required front yard, no fence, hedge wall, or trees shall be permitted in the road right-of-way.

10.33 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS: Commercial building or uses shall not be located closer than seventy five (75) feet from any lot line in a Residential District, except for kennels and veterinary hospitals, in which case the minimum distance shall be two hundred (200) feet and all runways or exercise areas are to be a contiguous part of the kennel or veterinary hospital.

Industrial buildings or uses shall not be located closer than one hundred (100) feet from any lot line in a Residential District. In all cases this area shall be suitably landscaped.

10.40 UNLICENSED AND/OR DISABLED VEHICLES: The parking of one or more vehicles, ungaraged, that are not currently licensed or that are disabled, as defined in Article 2, Section 2.10, for a period of more than sixty (60) days shall be prohibited. The Zoning Inspector may, at his or her discretion, grant one sixty (60) day extension provided that the owner of the property applies for and obtains an extended temporary parking permit.

10.50 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which would adversely affect the surrounding areas or adjoining premises.

10.60 DISPOSAL OF WASTE MATERIALS: The following uses shall be deemed to constitute a nuisance and shall not be permitted in the Township.

1. The dumping, storing, disposing, or using for landfill, of solid wastes, hazardous wastes, garbage, refuse, industrial ash, tires, rubbish, or demolition materials.

Exception: Brick, broken concrete or stone, when used in conjunction with a construction project, may be considered to be hard fill and can be used as filling of land provided that its use is limited to: a base for driveways, parking lots, or similar construction projects. The use, however, shall be subject to the approval of the Zoning Inspector and shall require a Zoning Permit. This Zoning Permit shall be valid for the same time period along with any renewal constraints that accompany the "permit to construct" on the same property and issued to the same person.

2. The outside burning or storage of paper, scrap, metal, tires, rubbish, demolition materials, and the unconcealed accumulation of such matters, except as may be normally undertaken from time to time in conjunction with a residential use provided that no noxious, offensive, or hazardous condition to health, safety, or the general welfare of the Township is created.
3. Junk yards, automobile graveyards or places for the collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, white goods or junk for salvage or storage purposes or for dismantling used vehicles.

10.70 POOLS AND PONDS:

10.71 SWIMMING POOLS: A manmade swimming pool shall be permitted in all residential districts subject to the following restrictions:

1. The swimming pool shall be located on a lot which has a residential dwelling as its main use;
2. The setback from the road right-of-way, and the side lot line and rear lot line clearances, shall be the same minimums as the lot requirements in the respective district;
3. All pumping and filtration equipment shall be located so as not to exceed the yard requirements as set forth in each district;
4. A Zoning Certificate shall be required for all manmade swimming pools. A fee as set by the Township Board of Trustees shall be charged and a description as to the depth and area size shall be filed with the Township Zoning Inspector;
5. All state and county health regulations shall be met.

10.72 PONDS, LAKES, AND RESERVOIRS: Newly constructed or altered ponds, lakes and other open reservoirs for containing water shall be permitted in all districts subject to the following restrictions:

1. **Set Back Requirements:** Will be a minimum of fifty (50) feet from all property lines and rights-of-ways, measured from the high water mark of the pond, the outside toe of the embankment or the outside edge of the spoil disposal area, whichever is closer to the property line of right-of-way.
2. A pond must be designed by a registered civil engineer or by the Lorain Soil and Water Conservation District to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
3. The Lorain SWCD will provide technical assistance for pond design to residential and agricultural landowners. Industrial and commercial sites will need to obtain engineering service from private engineers.
4. Ponds designed by registered civil engineers can/will be reviewed by the Lorain SWCD for technical adequacy.
5. **Minimum Size:** Will be one-fourth (1/4) of an acre in surface area (approximately one hundred (100) by one hundred ten (110) feet). Minimum depth: Eight (8) feet in twenty-five - fifty percent (25 - 50%) of the pond with three (3) to one (1) side slopes (three (3) feet horizontal to one (1) foot vertical rise).

COLUMBIA TOWNSHIP ZONING RESOLUTION

6. **Drainage:** On-site and off-site drainage patterns (surface and subsurface) will not be obstructed by pond construction, in compliance with Ohio Drainage Laws. Drainage (ditches, swales, tile etc.) will be rerouted around the pond and outletted into the original watercourses.
7. **Erosion:** The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.
8. No embankment created or mounding of spoil material created in the construction of the pond, lake or reservoir shall be higher than eight (8) feet above existing grade. Minimum top width is four (4) feet and minimum side slopes are three (3) to one (1).
9. **Spillway:** All ponds will have a spillway system capable of handling storm water overflow from the pond. Overflow storm water will be discharged into the natural watercourse but not into roadside drainage ditches.
10. **Proximity to Sanitary Systems:** Ponds used as a primary water supply will be a minimum of fifty (50) feet from the septic system leach field. Otherwise, ponds will be a minimum of twenty-five (25) feet from the nearest point of the sanitary system.
11. Ponds will not be discharged so as to affect the leach field of adjacent sanitary systems or raise the ground water so as to render ineffective any sanitary system.
12. Ponds will be managed and maintained so as not to create nuisance and health hazards. The location of a pond shall not cause a hazard to nearby residents.
13. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
14. Public utility requirements must be adhered to regarding both underground and overhead utilities.
15. New property lines created from property splits may be close to or run through existing ponds and lakes.
16. A Zoning Certificate shall be required for all ponds, lakes and reservoirs greater than four hundred (400) square feet and must meet all state and county health regulations. A fee, as set by the Township Board of Trustees, shall be charged and a description as to the depth and area size shall be filed with the Township Zoning Inspector.

COLUMBIA TOWNSHIP ZONING RESOLUTION

10.80 DRILLING AND EXPLORATION FOR GAS AND OIL: Drilling or exploration for gas or oil shall be permitted in all districts, subject to a Conditional Use Certificate and further subject to the following conditions:

1. Define "Person" as used within this section to mean any natural person, general partnership, limited partnership, corporation, firm or common enterprise; and "Drilling Operation" to mean each and every well that is drilled, reopened, or plugged back or drilled for the disposal of waste.
2. All persons drilling and/or exploring for gas and oil must first obtain a Special Hauling Permit from the township at least ten (10) days prior to the initiation of such drilling or exploration. The granting of a Special Hauling Permit is conditioned upon first securing a Road Restoration Bond under the aegis of the Township Trustees.
3. No person shall erect, use, and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet, or storage tank nearer than one hundred fifty (150) feet from any and all inhabited dwellings without first obtaining written consent from all owners of said dwelling within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state that the property owner has given his consent to the erection, use, and/or operation of such drilling rig or tank within such distance of said dwelling.
4. No person shall erect, use, and/or operate any rotary drilling rig nearer than five hundred (500) feet, any cable rig nearer than three hundred (300) feet, or storage tank nearer than one hundred and fifty (150) feet from any public building which may be used as a place of resort, assembly, education, entertainment, lodging trade, manufacture, repair, storage, or occupancy by the public without first obtaining written consent of all the owners of such buildings within that radius as measured from the center of the proposed well or storage tank. The written consent form shall specifically state that the property owner has given his consent to the erection, use, and/or operation of such drilling rig or tank within such distance of said public building.
5. No person shall erect, use, and/or operate any drilling rig nearer than three hundred (300) feet from any private water supply without first obtaining written consent of the owners of the property within that radius as measured from the center of the proposed well. The written consent form shall specifically state that the property owner has given his consent to the erection, use, and/or operation of such drilling rig within such distance of said private water supply.
6. Access routes shall be established by the Trustees for ingress and egress to the drilling site.

COLUMBIA TOWNSHIP ZONING RESOLUTION

- A. Primary consideration shall be given to the route or routes which will minimize wear and tear on township roads.
 - B. Entrances to and exits from the drilling site shall be at points which will minimize traffic congestion and hazard.
 - C. No such access point to the drilling site shall be located nearer than one hundred twenty-five (125) feet from the intersection of two street lines. No more than two access points shall be established to any one well.
 - D. The maximum width of driveways shall be twenty-four (24) feet.
 - E. A suitable size culvert pipe, as specified by the Trustees shall be placed in any culvert, trench, or ditch under the supervision of the Road Foreman over which the driveway or driveways will be placed.
 - F. All driveways providing ingress and egress for the drilling site shall be maintained to minimize dust and the tracking of mud and debris onto the hard surface pavement.
 - G. A turnaround for all vehicles shall be provided which will accommodate the largest vehicles used in connection with the operation of the drilling site, unless otherwise approved by the Road Foreman.
- 7. There shall be absolutely no on-street parking. One off-street parking space shall be provided for each worker at the site.
 - 8. Where lighting is used at the drilling site, said lighting shall be placed in such a manner as to shield adjacent inhabited dwellings from direct emissions of light.
 - 9. The process of "fracturing," dressing tools, sharpening bits, or operation of a forge is prohibited between the hours of 9:00 p.m. and 6:00 a.m. in any area where inhabited dwellings are situated within three hundred (300) feet of such process or operation unless the written consent of the residents of such dwellings is first obtained.
 - 10. A written drilling log is required to be kept at the drilling site. The log shall contain the drilling depth reached at each twenty-four (24) hour interval. The dates and times at which the process of "fracturing" is conducted shall be entered in the log. The log shall be kept and made available for inspection to any Township Trustee upon request.

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11. A plot plan shall be prepared and shall designate in detail, and in a suitable scale drawing, the location or proposed location of all wells, shut-off valves, heating equipment, transmission lines, electricity service entrance, and circuit breakers for all electrical equipment. The plot plan shall be furnished to the Township Trustees prior to drilling and kept updated.
12. Suitable firefighting equipment, as approved by the Township Fire Chief shall be kept on the drilling site and maintained in an operable condition during drilling. Such equipment shall be placed in a location to provide ready access in the event of an emergency.
13. In connection with the operation of the drilling site, the names, mailing addresses, and telephone numbers of each of the following shall be supplied to the Township Trustees and kept updated:
 - A. In the case of a corporation, its statutory agent and the managing officers.
 - B. In the case of a general or limited partnership, each of the managing partners.
 - C. In the case of any other firm or common enterprise, each individual associated therein.

In addition the names, addresses, and telephone numbers of all general contractors employed by any person in connection with the drilling operation shall also be provided to the Trustees.

14. All pits used for the temporary storage of salt water and oil field waste shall be liquid tight and constructed and maintained to prevent escape of such water and waste through run-off, percolation, or otherwise. The pit shall be enclosed by a fence at least five (5) feet in height. Said fence shall be constructed and designed to prevent trespassing. A written log shall be kept detailing how, when, and where salt water, oil field waste, and other noxious, harmful, or hazardous discharge is disposed of and it shall not be drained into any open field, open ditch, culvert, storm sewer, running stream or other waterway. At least twenty-four (24) hours prior to the disposal of the above-mentioned materials, written notice of the method and material to be disposed of shall be furnished to the Township Road Foreman for each and every well.
15. All storage tanks shall be painted and other equipment that remains at the drilling site shall be screened by providing:
 - A. An opaque wall
 - B. A uniformly painted fence, or

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- C. A strip of land at least four (4) feet wide and densely planted with shrubs or trees or a combination thereof

Such screening shall be at least six (6) feet in height and at least as long as that which the screening is designed to screen.

16. The location of any abandoned gas or oil well shall be reported to the Township Trustees in writing within thirty (30) days.
17. Notice must be given to the Township Trustees no later than ten (10) days prior to the commencement of drilling operations.
18. A Certificate of Compliance must be furnished to the Township Trustees at any time prior to the day on which the drilling operation is to commence. The Certificate shall specifically state that:

- A. The drilling operation shall be conducted pursuant to the Health and Safety Standard of the Township.
- B. The Trustees have been furnished with all information required by Condition #13.
- C. All consents required by Conditions #3, #4, #5, and #9 have been obtained. A copy of each consent required and received must be provided to the Trustees at the time the Certificate of Compliance is required.

The Certificate shall be signed by the duly authorized agent of the corporation, partnership, firm, common enterprise, or by any natural person seeking to drill.

19. A copy of the State Drilling Permits shall be submitted at the time the Certificate of Compliance required pursuant to Condition #18 is filed.
20. All activities, operations, and construction, not directly governed by Ohio Revised Code Chapter 1509 and the rules and regulations adopted thereunder by the Division of Gas and Oil, must comply with the Township Zoning Resolution in its entirety.
21. Any part of these conditions which is superseded by any Section of Chapter 1509 or any rule or regulation promulgated there under shall not affect the validity of any other condition.

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10.90 SATELLITE DISHES: A Zoning Certificate shall be required for all satellite dishes which are not mounted on an existing structure. Such satellite dishes shall be subject to the same front, side and rear setback requirements as are required for structures within the applicable zoning district.

ARTICLE 11 OFF-STREET PARKING AND LOADING

11.00 GENERAL REQUIREMENTS: If a new or enlarged curb cut or driveway opening, or an enlargement of a driveway or parking area, is in conjunction with the construction or enlargement of a structure, detailed plans for such shall be submitted before a Zoning Certificate can be issued for such structure. If a creation or enlargement of a curb cut or driveway opening is made other than in conjunction with construction or alteration requiring a Zoning Certificate, a Zoning Certificate shall be obtained specifically for such curb cut or driveway opening.

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

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

Whenever a use requiring off-street parking is increased in floor area, additional parking spaces shall be provided in the amounts hereafter specified for that use.

11.10 SPECIAL PROVISIONS FOR RESIDENTIAL USES:

Other than Sections 11.00 and 11.10, the provisions of Article 11 shall not apply to residential uses.

1. Residences shall have two (2) parking spaces for each dwelling unit.
2. Parking spaces for all residential uses shall be located on the same lot as the use which they are intended to serve.
3. In all districts other than R1, no driveway for residential use shall be closer than five (5) feet to any lot line. In an RI district, no driveway for residential use shall be closer than two (2) feet to any lot line.

11.20 PARKING AND LOADING SPACE DIMENSIONS

11.21 PARKING SPACE DIMENSIONS: A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

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11.22 LOADING SPACE REQUIREMENTS AND DIMENSIONS: On the same premises with every building, structure, or part thereof erected and occupied for storage, department store, store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets. Such space shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance for every ten thousand (10,000) square feet or fraction thereof in excess of three-thousand (3,000) square feet of building floor use or land for above mentioned purposes.

11.30 PARKING STANDARDS:

11.31 PAVING: All parking spaces, drives, and aisles, shall be surfaced with a bituminous or other dust free material.

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

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

11.34 LIGHTING: Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Lighting, including spotlights, electrical reflectors, and other means of illumination for parking areas, loading and unloading areas, and the like shall be focused, directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.

11.35 LOCATION OF PARKING SPACES: The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for business uses shall be located not more than three hundred (300) feet distant from said establishment.
2. Parking spaces for theaters, auditoriums, stadiums, arenas, buildings, or grounds used for the assembling of people to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment, and similar activities shall be within four hundred (400) feet of said establishment, shall provide adequate means of ingress and egress, and shall be available for the use of such patrons.

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

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11.37 MINIMUM DISTANCE AND SETBACKS: Off-street loading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to side yard and rear yard clearance as specified in this Zoning Resolution.

All vehicle parking lots, loading areas, and areas of vehicular circulation shall have a minimum set-back of twenty (20) feet from any road right-of-way. Except for driveways as permitted in Section 11.50, parking lots, loading areas, and areas of vehicular circulation shall be separated from any road right-of-way by a bumper block, curbing, or other barrier which prohibits vehicles from entering the road right-of-way from other than a legal driveway.

11.38 BUMPER BLOCKS: All parking lots shall have a protective wall or bumper block at least five (5) feet from any sidewalk line.

11.40 JOINT USE: Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required, except when two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement shall be filed with the application for a Zoning Certificate.

11.50 WIDTH OF DRIVEWAYS AND LOCATION: All driveways, whether serving parking areas, loading areas, or other areas of vehicular circulation shall have a minimum and maximum width of twenty (20) feet and thirty-five (35) feet respectively.

In the NB, HB, LI and HI districts common driveways (driveways shared between two or more lots) are encouraged. If a common driveway is not feasible then, in these districts, no driveway shall be closer than five (5) feet to any property line. However, the spacing between any two adjacent driveways must meet any applicable state and county regulations.

Detailed plans shall be submitted for curb cuts, or driveway openings in non-residential districts before a Zoning Certificate can be obtained.

If a common driveway and/or marginal road is proposed, evidence of easements and maintenance agreements recorded with the Lorain County Recorder's Office must be provided and approved in writing by the Township's Legal Advisor before a Zoning Certificate can be obtained. (Effective 3/14/08)

11.60 ACCESS: All parking lots shall be so designed that all vehicles leaving the facility will be traveling forward towards the highway, street, or road right-of-way.

11.70 PARKING LOT IDENTIFICATION: Shall be as shown herein:

1. **Signs:** The entrances and exits to parking areas shall be clearly marked. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.
2. **Striping:** All parking areas with a capacity of over twelve (12) vehicles shall be striped between stalls to facilitate the movement into and out of the parking stalls.

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11.80 PARKING SPACE REQUIREMENTS: For the purposes of this resolution, the following parking requirements shall apply:

11.81 COMMERCIAL:

1. Service station: one (1) for each gas pump and two (2) for each service bay.
2. Auto repair garage: one (1) for each gas pump and two (2) for each service bay.
3. Car wash: ten (10) spaces for each washing land and three (3) employee spaces.
4. Veterinary hospitals and kennels: one (1) for each four hundred (400) square feet of floor area.
5. Funeral parlors, mortuaries, and similar uses: one (1) for each fifty (50) square feet of floor area.
6. Dining rooms, restaurants, taverns, night clubs, and similar uses: one (1) for each two hundred (200) square feet of floor area.
7. Bowling alleys: five (5) for each alley, plus one (1) additional space for each two hundred (200) square feet of floor area used for restaurant.
8. Swimming pools, public, private, or community club: one (1) for each five (5) persons capacity, plus one (1) space for each four (4) seats or one (1) space for each thirty (30) square feet of floor area, whichever is greater.
9. Retail stores: one (1) for each two hundred (200) square feet of floor area.
10. Banks, and similar institutions: one (1) for each two hundred fifty (250) square feet of floor area.
11. Auditoriums, theaters, and similar uses: one (1) for each three (3) seats.
12. Dance floors, and skating rinks: one (1) for each fifty (50) square feet of floor area.
13. Storage facilities and warehouses used in support of commercial facilities: one (1) space for each employee on the two (2) largest successive shifts, and adequate space for visitor parking.
14. Mini-storage warehouse facility: five (5) spaces regardless of the size of the facility.
15. Offices: one (1) for each two hundred (200) square feet of floor area.
16. Other business uses: one (1) for each one hundred (100) square feet of floor area

11.82 INSTITUTIONAL:

1. Churches and similar uses: one (1) for each three (3) seats.
2. Hospital: one (1) for each bed.
3. Rest homes: one (1) for each bed.
4. Medical and dental clinics: one (1) for each one hundred (100) square feet of floor area.
5. Elementary and junior high schools: two (2) for each classroom, and one (1) for every eight (8) seats in auditoriums or assembly halls.
6. High schools: one (1) for every ten (10) students and one (1) for each teacher or employee plus one (1) space for each five (5) seats in the auditorium.

11.83 INDUSTRIAL:

1. All industry: one (1) space for each employee on the two (2) largest successive shifts, and adequate space for visitor parking.

11.84 RECREATION:

1. Golf clubhouses: ten (10) spaces per hole and one (1) space for each thirty-five (35) square feet of public assembly.
2. Swimming parks: one (1) space for each two hundred fifty (250) square feet of beach area.
3. Pavilions: one (1) space for each three (3) seats.
4. All other clubhouses: one space for each one hundred (100) square feet of floor area.

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

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals;
2. Fractional numbers shall be increased to the next whole number;
3. Where there is an adequate public transit system or where for any other reason parking requirements are unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals.

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ARTICLE 12 SIGNS

12.00 INTENT: The purpose of this article is to encourage the effective use of signs as a means of communication in the township, and to protect property values and the physical appearance of the community. It is further the intent of this article to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways; and to curb the deterioration of the natural environment.

12.10 COMPLIANCE: To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article. A sign for which a permit has been issued shall not be modified, altered, or replaced without first securing another permit; however, the repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a permit.

12.20 GOVERNMENTAL SIGNS EXCLUDED: For the purpose of this Resolution "sign" does not include a sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law or governmental regulation.

12.30 GENERAL REQUIREMENTS:

1. All signs, with the exception of garage sale signs, and political signs, shall be permitted only on the property or lot on which the use or activity they identify are located.
2. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, or adjacent premises, so as to cause glare or reflection that may constitute a traffic hazard or nuisance. No illuminated sign shall be colored to conflict with any highway or railroad stop or warning signal. No illuminated advertising sign shall be permitted in a Residential District.
3. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention unless it is a sign that performs a public service function indicating time, temperature, stock market quotations or similar information.
4. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit.

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5. No sign shall be placed on the roof of any building, except those signs which have their supporting structure screened so the sign appears to be a continuation of the face of the building.
6. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of the sign.
7. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving any access to any fire escape.
8. No advertising sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
9. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of various uses of the property.
10. Should any sign become unsafe, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign within thirty (30) days.
11. No vehicle or trailer shall be parked on a business premises or a lot for the purpose of advertising a business, product, service, or the like.

12.40 MEASUREMENT OF SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.

12.50 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS AND WHICH DO NOT REQUIRE A PERMIT:

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, provided that such signs do not exceed twelve (12) square feet in area.
2. Signs denoting the name and address of the occupants of the premises, provided such signs do not exceed four (4) square feet in area.
3. Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area.
4. A sign for a special event, limited to one (1) temporary sign not exceeding thirty-two (32) square feet in area, announcing special or institutional events, the erection of a building, the identity of the building contractor, or signs for similar uses. Such sign shall not be located in the road right-of-way, and shall be no more than five (5) feet in height. Such signs shall be removed within two weeks of the completion of the event or project.

12.60 SIGNS WHICH ARE PERMITTED IN ALL RESIDENTIAL DISTRICTS AND WHICH REQUIRE A PERMIT: Public schools, churches in existence in January of 1992, and other public uses may erect one sign not larger than fifty (50) square feet in area provided that such sign is located on the premises of such institution.

Non-conforming businesses in existence in January of 1992 may erect a sign or signs in accordance with the provisions of this article which would apply to such business if it was located in a zone in which it is a permitted use.

12.70 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS EXCEPT RESIDENTIAL DISTRICTS:

12.71 SIGNS LOCATED ON A BUILDING:

Each tenant in a building may erect one or more signs secured to a building provided the combined areas of such sign or a sign does not exceed two square feet in area for each linear foot of such tenant's building frontage.

12.72 FREESTANDING SIGNS: One freestanding sign may be erected on a lot with less than two hundred (200) feet of frontage, and one or two freestanding signs may be erected on a lot with two hundred (200) or more feet of frontage, subject to the following restrictions.

1. The height of the sign or signs shall not exceed twenty (20) feet.
2. The area of the sign, or the combined area of two signs, shall not exceed one and one half (1-1/2) square feet per linear foot of lot width, and shall in no case exceed one hundred (100) square feet. In a Recreation District and in a Flood Plain District the area of the sign, or the combined area of two signs, shall not exceed fifty (50) square feet.

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3. No sign shall be located closer than twenty (20) feet from any adjoining lot line.
4. There shall be only one freestanding sign for each lot regardless of the number of buildings or businesses located on such lot. However, businesses or institutions located on a corner lot shall be allowed signage for each side of the lot that abuts a road right-of-way.
5. The sign or signs shall not be located in the road right-of-way, but may be located at the road right- of-way.
6. No sign located in a twenty (20) foot triangle abutting each corner of an intersection shall have any part of such sign, other than supporting pole or poles, located in an area between three (3) feet and eight (8) feet above the elevation of the center line of the closest roadway. Additionally, no soil, shrubbery, or other obstruction shall be placed in such area. This twenty (20) foot triangle shall be that triangle which has, two of its sides, lines which begin at the intersection of the two road right-of-ways and which proceed, parallel to each of the roads, for a distance of twenty (20) feet.

12.80 TEMPORARY SIGNS:

Temporary signs not to exceed thirty-two (32) square feet in area shall be permitted at, but not in, the highway right-of-way. No part of the sign shall be more than seven (7) feet above the ground level. Temporary signs that announce or explain a construction project shall be removed within thirty (30) days of the completion of the construction. Temporary signs are permitted on a day to day basis, not to exceed sixty (60) days in a calendar year.

12.90 DIRECTIONAL SIGNS: One or more directional signs are permitted on private property. Such signs may be located at, but not in, the road right-of-way. The combined area of all directional signs shall not exceed sixteen (16) square feet.

ARTICLE 13 EROSION, DRAINAGE AND SEDIMENT CONTROL

13.00 GENERAL REQUIREMENTS: A drainage and erosion control plan, along with any easements or rights-of-way required, shall be included with other plans upon application for a Zoning Certificate for:

1. The construction of all principal buildings.
2. The construction of accessory buildings when the grade is changed.
3. Any alteration of existing terrain to the extent that such alteration may cause erosion and/or drainage damage.

This plan must address both temporary and permanent measures for controlling erosion, drainage, and sediment control during and after construction. (Effective 3-8-2023)

The plans shall be submitted by the applicant to the Zoning Inspector. If additional review is required, the Zoning Inspector shall advise the applicant that the Zoning Inspector may forward the plans to the Lorain Soil and Water Conservation District for review, or the applicant may obtain a qualified Ohio licensed engineer to conduct such review. The choice shall be at the applicant's discretion. If it is determined by the Zoning Inspector that such additional review is needed, the application shall be deemed incomplete until the results of such additional review have been incorporated into the application.

As a part of such additional review, the Lorain Soil and Water Conservation District or the engineer will be asked to review the plans to determine whether they comply with the requirements contained in this Article. If the Lorain Soil and Water Conservation District is utilized, they will be instructed to report their findings in writing to the Zoning Inspector. If a private engineer is utilized, he or she should be instructed to report his or her findings in writing to the applicant who shall forward such findings to the Zoning Inspector. The Zoning Inspector shall not issue a Zoning Certificate until he or she has determined that the plan adequately incorporates the requirements of this Article.

13.10 SPECIAL PROVISIONS FOR WETLAND: In any case in which an application has been forwarded to the Lorain Soil and Water Conservation District for review, they will review such application for the need for a detailed wetland determination. Assessment will be based on soil types, as spelled out in the Soil Survey of Lorain County. If the area of planned construction is determined to be in an area that may potentially be classified as a wetland, the Lorain Soil and Water Conservation District will notify the Zoning Inspector who will, in turn, notify the applicant that the property in question may be considered a wetland and thus may require an application to the U.S. Army Corps of Engineers for a Section 404 permit or a letter of non-jurisdiction indicating that the area is not a wetland.

Issuance of a Zoning Certificate does not constitute compliance or any representation of compliance with Federal and/or State laws and regulations relating to wetland requirements. The owner/developer has full responsibility to comply with Federal and/or State laws and regulations; and regulations including permits and approvals relating to wetland areas.

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13.20 REFERENCES: Specifications for all soil stabilization, run-off control, and sediment control will be found in the publication *Water Management and Sediment Control for Urbanizing Areas* which has been developed by the Soil Conservation Service.

The growing season for the purposes of making permanent and temporary seeding is as follows:

Temporary seeding's March 1 to October 31

Permanent seeding's April 1 to September 30

13.30 GENERAL SITE DEVELOPMENT REQUIREMENTS:

1. The smallest area of land practical shall be disturbed and exposed at any one time during development.
2. Natural ground cover vegetation should be retained, protected, and maintained as much as possible during the construction process.
3. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
4. The development plan shall be fit to the topography and soils so as to create the least potential for erosion and drainage problems. For all buildings and improvements, low wet areas, small drainage courses, and areas subject to slippage should be avoided.

13.40 SOIL STABILIZATION REQUIREMENTS:

1. For erosion and sediment control purposes, the following areas shall have a temporary seeding:
 - A. Any area that will be left disturbed for longer than ninety (90) days, with such seeding being completed as soon as practical during the period of March 1 to October 31.
 - B. Any area disturbed prior to October 31 which will be left bare over the winter, with such seeding being completed by October 31.
 - C. Erodible areas (areas consisting of slopes of greater than four percent 4%) and any bank cuts, with such seeding being completed within thirty (30) days of disturbance unless it is impossible to complete such temporary seeding by October 31 in which case straw bales or mulch shall be used to control erosion over the winter.

All temporary seedings shall be maintained until permanent seeding is done. Temporary seedings shall not be needed if permanent seeding is done.

Temporary seedings are not required in a construction area which is within fifty (50) feet of the building.

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2. The cut face of earth excavations, which is to be vegetated, shall not be steeper than two feet horizontal to one foot vertical.
3. Final grading and permanent seeding (or sodding) of construction site, yard, ditches, swales, and cuts shall be done within thirty (30) days of completion. However, construction which is completed between October 1 and April 30 shall not have permanent seeding or sodding completed until May 30.

13.50 DRAINAGE AND RUN-OFF CONTROL:

1. Ditches, streams or channels crossing through the property may need to be cleaned, enlarged or regraded to accommodate storm water. Ditches will be seeded and have other permanent erosion control and drainage features applied by the date specified by the Lorain Soil and Water Conservation District.
2. For construction and maintenance purposes the property owner may be required to obtain a right-of-way or easement off site in order to achieve an adequate drainage outlet.
3. Storm water retention/detention structures may be required if it is determined that accelerated storm water run-off could damage downstream properties or if an adequate drainage outlet cannot be achieved.
4. Existing intermittent surface drainage courses (swales) shall be maintained so as not to cause restriction or acceleration of flow that could cause damage to upstream or downstream properties.
5. Current subsurface drains encountered or disturbed shall be reconnected or routed around the construction area if they serve surrounding properties.
6. A maintenance program is required on all drainage systems (outlet ditches, subsurface and surface drains) that serve as drainage outlets for storm water, sanitary waste, or floodwater for multiple property owners. This does not apply to road ditches or any drainage works within the road right-of-way. This only applies to drainage systems that needed to be constructed or improved for the primary purpose of benefiting the development.

13.60 SEDIMENT CONTROL MEASURES: The following temporary measures may be required to control erosion and sediment in areas of concentrated water flow and areas subject to sedimentation.

- A. Temporary sediment basin
- B. Straw bale barrier
- C. Silt fence
- D. Storm drain inlet protection

These measures may be removed once permanent vegetation has become established.

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ARTICLE 14 PLANNED UNIT DISTRICT (PUD)

14.01 PURPOSE: The following Planned Unit Development regulations are intended to provide an optional development alternative to property owners and developers who are developing large tracts under single or common ownership in a unified way. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects with many amenities.

14.02 PUD DISTRICTS: The following type of PUD is established and may be proposed through a Zoning Map Amendment consistent with R.C. 519.12, R.C. 519.021 and Article 6 of the Columbia Township Zoning Resolution:

R-PUD – Planned Residential Use: A planned unit development where the primary use of the land is residential with the ability to include public, institutional, and recreational uses as approved by the Township.

14.03 R-PUD: PLANNED RESIDENTIAL DEVELOPMENT

1. Purpose:

The Residential-Planned Unit Development District (R-PUD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Unit Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary R-PUD Plan and subsequently detailed Final R-PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas.

2. Principal permitted uses:

- A. Single-family dwellings and accessory structures attached thereto
- B. Single-family dwellings and accessory structures detached therefrom
- C. Golf courses and accompanying clubhouses
- D. Community clubhouse, pool, and tennis courts provided they are intended primarily for residents in the R-PUD
- E. Neighborhood and community park, private parks, and common open space provided it is intended primarily for residents in the R-PUD

3. Conditionally permitted uses:

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- A. Child day care homes for which no more than six (6) children in any one day and which meet the requirements of a Type B child care home as defined in the Ohio Revised Code
 - B. Adult foster care home, as defined in Section 8.251
 - C. Home occupations, as defined in Section 8.252
4. Development requirements:
- A. Minimum project area: the area proposed as a R-PUD district shall be a minimum of fifty (50) contiguous acres undivided by any existing dedicated roadway. The entire tract of land to be developed shall be considered one zoning lot.
 - B. Maximum density: the gross density of the planned development shall not exceed 1 unit per acre. Gross density is to be calculated by dividing the total project area, exclusive of land devoted to public rights-of-way existing at the time of the development and areas deemed unsuitable for development, by the number of dwelling units proposed. See Section 5(C) below for areas that are not to be included in the gross density calculation.
5. Common Open Space Requirements:
- A. Minimum Requirements: The R-PUD shall include planned Common Open Space of not less than thirty percent (30%) of the total project area.
 - B. Design Requirements:
 - 1. The Common Open Space shall be sufficiently aggregated to create large areas of planned open space. Not less than one-half of the required Common Open Space shall be contiguous and undivided by roadways, parking areas, or structures.
 - 2. The Common Open Space shall be integrally related to the overall design of the development with respect to its location, distribution, size, and shape, so as to be beneficial and easily accessible to the maximum number of residents in the R-PUD.
 - 3. The Common Open Space may incorporate areas that can be used for outdoor recreation. At least fifty percent (50%) of the Common Open Space shall be dedicated to active recreation, which may include golf, tennis courts, swimming pools, walking paths, or similar recreational activities.
 - 4. At least thirty percent (30%) of the residential lots shall have direct access to the Common Open Space

C. Areas not included as Common Open Space:

1. Public street right-of-way, and/or parking areas;
2. Required setbacks between buildings, parking areas, and project areas;
3. Required spacing between dwellings;
4. Private yards;
5. Land which is deemed not suitable for development;
6. Area of land within any FEMA designated 100-year floodway;
7. The area of lakes, ponds, or designated wetlands, or a combination thereof, exceeding one (1) acre.
8. Areas deemed not suitable for development, which include, but are not limited to, utility easements, stormwater detention/retention ponds and structures, floodplains, and wetlands upon which residential structures cannot be built.

D. Recreation Areas: any common space intended to be devoted to recreational activities shall be of a useable size and shape for the intended purpose:

1. Natural barriers shall be maintained to reduce the effect of recreational uses into adjoining residential areas;
2. Principal recreation buildings for open space uses shall comply with the required setbacks of the R-PUD and be limited to 20,000 square feet;
3. Only retail uses which are customarily accessory to or incidental to the principal recreational or open space shall be permitted.

E. Ownership and maintenance of Common Open Space: Ownership of the Common Open Space shall be with the Homeowner's Association ("HOA") of the subject R-PUD. To that end, contemporaneously with the submission of the final development plans, the R-PUD applicant shall submit legal instruments setting forth the HOA ownership of the required Common Open Space and providing for the perpetual maintenance of the Common Open Space by the HOA. The HOA of the Common Open Space shall maintain the property. The required legal instruments for Common Open Space shall contain provisions prohibiting the property from further subdivision or development. Any attempt by the HOA to alter the language of the

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legal instrument establishing the Homeowner's Association shall first receive approval by the Columbia Township Board of Trustees.

- F. **Dedication of the Common Open Space:** The Township may, but is not required, to accept dedication of the Common Open Space.
6. **Setbacks from existing public right-of-way:** All buildings, structures, and parking areas shall be located no closer than 40 feet to an existing public street right-of way.

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7. Minimum lot sizes:
 - A. Minimum frontage: 60 ft
 - B. Front yard setback: 40ft
 - C. Rear yard setback: 30ft for residential structures, 15 ft for accessory structures
 - D. Side yard setback: 10ft

8. Perimeter yards: Perimeter yards will be required between the R-PUD and any existing adjacent development.
 - A. Perimeter yards shall have a minimum of 10 feet in width
 - B. Perimeter yards shall not exceed 40 feet in width
 - C. Perimeter yards shall provide shading or screening between the R-PUD and existing development and can be comprised of the following or a combination thereof:
 1. Mounds which do not exceed 6 feet in height and a grade of 3 to 1; all mounds must have shrubs, trees or greenery (Effective 3-8-2023)
 2. Shrubs, greenery or other plants which provide screening
 3. Fencing: fencing shall be opaque with a minimum height of 4 feet and maximum height of 8 feet
 - D. Perimeter yards may not include drainage easements.

14.04 APPLICATION PROCEDURES FOR R-PUD DISTRICTS: Property owners who wish to have the R-PUD regulations apply to their property shall request to have the zoning map amended to rezone their property to R-PUD and a general development plan approved. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be contingent upon the approval of the other.

Submission Requirements: The establishment of a Residential Planned Unit Development requires an application for rezoning and submission of General Development Plan by the property owner or the property owner's authorized agent. The application and general development plan must include the following, unless specified as inapplicable or waived, in writing, by the Zoning Inspector:

1. Application requesting rezoning of the property to R-PUD District; and
2. Names, addresses, and telephone numbers of applicants and owners of all property included in the development; and

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3. A General Development Plan, which shall include:
- A. Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses including the current zoning of the adjacent properties.
 - B. Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
 - C. The general location of existing structures and access points on adjacent parcels within 50 feet surrounding the site.
 - D. The general location of the parking areas, buildings, and access points.
 - E. Proposed density levels of each residential area and/or locations and sizes of commercial uses.
 - F. Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.
 - G. General dimensions of all buildings or building pads, setbacks, and parking areas.
 - H. Distance between buildings or building pads.
 - I. Proposed topography, major vegetation features, and wooded areas.
 - J. General location of storm water management.
 - K. The general layout of the proposed internal road system, indicating the proposed right of way of public streets or pavement. All roads or streets must be dedicated public roads; private streets are not permitted.
 - L. Landscaping around the perimeter of the property, where applicable.
 - M. A summary table showing total acreage of the proposed development, the number of dwelling units permitted and the number and type of dwelling units proposed and the percentage of lot coverage devoted to streets, buildings and parking areas.
 - N. Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period following approval of a final R-PUD plan by the Zoning Commission.
 - O. An accurate list of names and addresses of adjacent property owners.

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14.05 AMENDMENT PROCEDURES FOR R-PUD

1. Processing of Amendment by Zoning Commission:
 - A. Within five (5) days of receipt of the complete application a copy of the proposed amendment and general development plan shall be transmitted to the Lorain County Regional Planning Commission. An application is not considered complete until the applicant has provided the Township with all documentation of all information required in Section 14.04.
 - B. A date for the public hearing before the Zoning Commission shall be set not less than twenty (20) days or more than forty (40) days from receipt of the complete application.
 - C. Notices of such hearing shall be given by the Zoning Commission by publication in a newspaper of general circulation in the Township at least ten (10) days before the date of such hearing.
 - D. For applications involving ten (10) or less parcels, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any subsequent decision upon the application
 - E. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner. If any certified mail receipt is returned, refused, or unclaimed, notice shall then be sent by regular mail.
 - F. Published and mailed notices shall include the time, date, and place of the public hearing and all other required information per ORC §519.12(C).
 - G. The Zoning Commission may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.

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2. Lorain County Regional Planning Commission Action:

- A. The Lorain County Regional Planning Commission shall review the requested amendment and general development plan unless exempt at a regularly scheduled meeting.**
- B. The recommendation to approve, deny, or modify the proposed amendment and general development plan shall be transmitted to the Zoning Commission.**

3. Zoning Commission Action:

- A. The Zoning Commission, at the public hearing, shall consider the recommendation of the Lorain County Regional Planning Commission and shall review the general development plan for compliance with the review criteria set forth in Section 14.06.**
- B. The Zoning Commission shall make a decision to approve, deny or modify the request within thirty (30) days after the hearing is concluded.**

4. Processing of Amendment by Township Trustees:

The Trustees shall set a date for public hearing within thirty (30) days after receipt of the recommendation of the Zoning Commission.

- A. Notice of the hearing shall be served personally or by certified mail to the applicant and to the subject property owner.**
- B. Irrespective of the number of parcels involved with the application, notice shall also be given by regular mail to all property owners within and contiguous to and directly across the street from the subject property at least ten days prior to the date of the scheduled hearing. All notices shall be sent to the address of such owners appearing on the county auditor's tax list. If any certified mail receipt is returned refused or unclaimed, notice shall then be sent by regular mail.**
- C. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing.**
- D. The published and mailed notices shall set forth the time, date and place of the public hearing, and all other information per ORC §519.12.**
- E. The Board of Trustees may recess or continue such hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice shall be required.**

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5. Township Trustees Action:

- A. The Township Trustees shall consider the recommendation of the Zoning Commission and the Lorain County Regional Planning Commission and shall review the general development plan for compliance with the review criteria set forth in paragraph 4 of this section.
- B. The Trustees shall make a decision within twenty (20) days after the public hearing.
- C. A decision shall be made to either adopt, deny or modify the recommendation of the Zoning Commission. A majority vote of the Trustees is required if the Zoning Commission's recommendation is not to be adopted. Failing a majority vote in such case, the recommendation of the Zoning Commission shall be considered approved.
- D. The Trustees cannot approve the zoning amendment unless the General Development is contemporaneously approved.

6. Zoning Amendment:

- A. The property will be rezoned (30) days from the date of the final approval of the zoning inspector or trustees in compliance with this section, unless a petition for referendum is filed within that thirty (30) day period. For the rezoning amendment to be approved, the general development plan must also be deemed satisfactory and approved simultaneously.
- B. Trustees shall file all adopted zoning amendments with the Lorain County Recorder within five (5) days of the effective date, together with a copy to Regional Planning Commission.

14.06 REVIEW PROCESS FOR GENERAL DEVELOPMENT PLAN

- 1. **Consideration:** The General Development Plan will be considered by the Zoning Commission and Township Trustees during the public hearings outlined in Section 14.05. The R-PUD zoning amendment request shall not be approved unless the Township Trustees also determine the General Development Plan is satisfactory. Conversely, a General Development Plan cannot be approved unless the rezoning amendment is simultaneously deemed appropriate and approved.
- 2. **Review Criteria:** The following review criteria shall be utilized by the Zoning Commission and Board of Trustees in reviewing and approving a general development plan for an R-PUD district. Additional conditions may be imposed on the proposed development based on these standards. The applicant must demonstrate the proposed R-PUD:
 - A. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

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- B. Will not be hazardous, disturbing and produce adverse effects upon such as traffic, noise or lights or otherwise adversely affect existing or future adjacent and/or surrounding uses or structures.
- C. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
- D. Will be serviced adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools: or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services
- E. Will be in compliance with State, County and Township regulations.
- F. Will have public streets/roadways that are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

14.07 FINAL DEVELOPMENT PLAN: After a parcel had been rezoned to an R-PUD, and the general development plan for the entire parcel or parcels has been approved by the Trustees, the applicant shall submit a final development plan for review and approval to the Zoning Inspector in compliance with this section.

The Final Development plan must be submitted within six (6) months of the trustees approving the zone change request and general development plan. The Final Development Plan must substantially comply with the approved General Development Plan. Any substantial changes must receive approval from the Township Board of Trustees in compliance with R.C. 519.021.

1. Submission Requirements:

- A. The Final Development Plan shall contain all the elements required in Section 14.04(3); and
- B. An accurate legal description of the entire property prepared by or certified by a registered surveyor of the state.
- C. Accurate drawings of the site plan as prepared by a certified engineer and which reflect:

- 1. Final Location of all proposed buildings and structures.

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2. Dimensions of all buildings, setbacks, and parking areas.
 3. Distance between buildings.
 4. Location of streets and right of ways.
 5. Location and configuration of off-street parking areas.
 6. Buffering and landscaping plan, if applicable.
 7. Sanitary sewers, water and other utilities including fire hydrants, to the extent applicable, and proposed drainage and storm water management.
 8. Detailed descriptions of proposed topography, major vegetation features and wooded areas.
- D. Detailed descriptions of the phases of the development, if applicable.
 - E. Summary table showing the total acres of the proposed development; number of units permitted and number of units proposed by type, and the percentage of lot coverage devoted to streets, buildings, and parking areas.
 - F. Final density of development as proposed in Final Development Plan.
 - G. Detailed description of Common Open Space and outlining how Common Open Space will be maintained.
2. **No Substantial Changes:** If the Zoning Inspector determines the Final Development Plan substantially conforms to the General Development Plan, the Zoning Inspector may issue to the Zoning Commission for review and final approval.
 - A. The Zoning Commission shall be responsible for review and final approval of the Final Development Plan which is substantially in compliance with the General Development Plan approved by the Trustees
 - B. Such approval shall take place at a regularly scheduled Zoning Commission Meeting.
 - C. Approval of any minor modifications from the approved General Development Plan shall be considered administrative.
 3. **Changes to Final Development Plan:** If the Zoning Inspector determines that any proposed modification to the approved general development plan does not substantially conform to

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the existing plan, then the Zoning Inspector shall, within five (5) days of said determination, submit the matter to the Board of Trustees for their review and determination. The Board of Trustees shall hold a hearing on the matter within 30 days of its submission and shall render their determination within 20 days of the conclusion of the public hearing. The Board of Trustees shall consider the proposed changes consistent with the review criteria outlined in Section 14.06(2).

4. **Changes that automatically trigger review by Board of Trustees:**
 - A. **Alterations to the approved plan including, but not limited to, a change of use or density to a more intense use or density than what was previously approved by the Township Trustees;**
 - B. **Alteration to changes to the location or amount of land designated for a specific land use or open space;**
 - C. **A change of the permitted uses to a use not otherwise permitted in the proposed R-PUD;**
 - D. **Any change that will increase demand on any on-site or off-site infrastructure;**
 - E. **Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the R-PUD;**
 - F. **An expansion of a building footprint that affects the specified setbacks of the approved plan;**
 - G. **Changes to the property or project boundaries of the entire R-PUD District;**
 - H. **Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations**
 - I. **Any proposed change to a preapproved crucial feature of the approved General Development Plan.**

14.08 RELEVANCE OF FINAL DEVELOPMENT PLAN: An approved final development plan shall become a binding commitment for the propose development of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a zoning certificate. Development shall substantially conform with the approved final development plan. Any proposed deviations that do not substantially conform with the approved site development plan shall be submitted to the Board of Trustees in accordance with the provisions of Section 14.07.

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ARTICLE 15 ADULT USES/SEXUALLY ORIENTED BUSINESSES

15.00 INTENT: Columbia Township has determined that there have been several impact studies conducted regarding adult entertainment/sexually oriented businesses. Consistent with such studies, Columbia Township has concluded that adult use/sexually oriented businesses as defined in this Zoning Resolution have a detrimental effect on proximate uses which endangers the public health, safety and welfare of township residents. Such adult use/sexually oriented businesses impact negatively on nearby residential, institutional, and commercial uses due to resulting increase in crime, decreased property values, curtailed retail trade and deterioration of rural life quality. These adverse effects are compounded when such adult use/sexually oriented businesses are in close proximity to each other, creating "dead zones." Columbia Township enacts the provisions herein regulating adult use/sexually oriented businesses with the desire to minimize these adverse effects and protect the public health, safety and welfare of the township residents and Columbia Township has further determined that there is adequate land available in the Heavy Industry District to locate adult use/sexually oriented businesses so as not to infringe on First Amendment free speech constitutional rights.

15.10 DEFINITIONS: As used to apply to the regulation of adult use/sexually oriented businesses as contained in this article:

1. "Adult arcade" means any place to which the public is permitted or invited where either or both: (a) motion picture machines, projectors, video or laser disc players, or other video or image producing devices are available, run via coin, token, or any other form of consideration, to show images to five (5) or fewer persons per machine at any one time; or (b) live entertainment is available in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. "Adult bookstore," "adult novelty store," or "adult video store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - A. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - B. instruments, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities

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

3. "Adult cabaret" means a nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers, features:
 - A. persons who appear in a state of nudity or semi nudity.
 - B. live entertainment characterized by the depiction or description of specified anatomical areas; or
 - C. live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment.

4. "Adult motel" means a hotel, motel or similar commercial establishment that:
 - A. offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this sexoriented type of photographic reproductions;
 - B. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

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- C. allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.
5. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
6. "Adult motion picture drive-in theater" means an open-air drive-in-theater where for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
7. "Adult use/sexually oriented business" means any of the following: Adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio, or sexual encounter center.
8. Adult use/sexually oriented business employee: A person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a fulltime, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
9. "Covering" means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomical area beneath it.
10. "Nude model studio" means any place where a person, who appears nude or seminude or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

"Nude model studio" does not include:

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- A. a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
 - B. private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - C. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or seminude model is on the premises at any one time.
11. "Nudity" or "nude" means exposing to view the genitals, pubic area, vulva, perinum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
12. "Semi nudity" or "seminude" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposing in whole or in part.
13. "Sexual encounter center" means a business or commercial enterprise that offers for any form of consideration:
- A. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B. activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

14. "Specified anatomical areas" means:
- A. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - B. less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.
15. "Specified sexual activities" means any of the following:
- A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - B. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - C. excretory functions as a part of or in connection with any of the activities set forth in A. or B. above.

15.20 REGULATIONS (Revised 4-14-04)

Adult use/sexually oriented businesses as defined in this Zoning Resolution are permitted only in the Heavy Industry District subject to the following regulations. *(Effective 4-14-04)*

1. No adult use/sexually oriented business as defined in this Zoning Resolution shall be operated or maintained on a parcel of land located within:
- A. A flood plain district.
 - B. 500 feet of any current residence or boundary of any residential district.
 - C. 750 feet from any church, public library, public or private educational facility that serves persons under 18 years of age, elementary school, public park or playground, or state-licensed day care facility, or any neighborhood center.
 - D. 750 feet from any parcel of land on which any other adult use/sexually oriented business is located.
 - E. 200 feet of any boundary of any residential district in a local unit of government abutting the Township.

For purposes of this section, except for 15.03 1(b), distances will be measured in a straight line from property line to property line, using the closest property lines of the parcels of land involved.

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2. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from a sidewalk or street adjacent to the building.
3. No freestanding signs are permitted. Any signs attached to the building may be no larger than 50 square feet and must meet the requirements listed in Article 12.
4. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
5. An Adult Use/Sexually Oriented Business shall be operated in accordance with any additional regulations enacted by the Township Trustees as authorized by the Ohio Revised Code. *(Effective 4-14-04)*
6. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded with minimal spill on to adjacent properties. *(Effective 4-14-04)*
7. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent properties. *(Effective 4-14-04)*
8. The operation of the business shall be conducted in a manner that does not create noise measured at the nearest lot boundary that exceeds the A weighted decibel (dB(A)) sound level of the street traffic noise at that location, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness. *(Effective 4-14-04)*

ARTICLE 16 WIND ENERGY CONVERSION SYSTEMS

16.1 INTENT AND APPLICABILITY: This resolution establishes minimum requirements for Wind Energy Conversion Systems and regulates the placement of such systems within Columbia Township. **It does not apply to small roof mounted wind turbines.**

Wind energy is a recognized, renewable and nonpolluting energy resource, and its conversion to electricity may reduce dependence on nonrenewable energy sources.

The requirements of this regulation shall apply to all Wind Energy Conversion Systems proposed after the effective date of this regulation. No preexisting system shall be altered in any manner that would increase the degree of nonconformity with the requirements of this resolution and no alterations shall be made to a nonconforming preexisting system during its life which exceed 50% of its fair market value. If such system is destroyed or damaged to the extent of more than 50% of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this resolution.

16.2 DEFINITIONS:

1. **Wind Energy Conversion System:** A machine that converts the kinetic energy in the wind into a usable form. The Wind Energy Conversion System includes all parts of the system including but not limited to, the tower; transmission equipment; the turbine and rotor, or propeller, which maybe on a horizontal or vertical axis.
2. **Site:** The physical location of a Wind Energy Conversion System, including the related tower and transmission equipment.
3. **Swept Area:** The largest area of the Wind Energy Conversion System which extracts energy from the wind stream. In a conventional propeller-type Wind Energy Conversion System, there is a direct relationship between swept area and the rotor diameter.
4. **Total Height:** The height of the tower and the furthest vertical extension of the Wind Energy Conversion System.
5. **Over speed Control:** A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System.
6. **Windmill Rotor:** Means that portion of the windmill which includes the blades, hub and shaft.
7. **Windmill Tower:** Means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

16.3 ZONING DISTRICTS: A Wind Energy Conversion System shall only be permitted in the following zoning districts: NB, HB, LI, HI on parcels of more than one (1) acre. It will also be permitted in the R3 district with parcels in excess of two (2) acres of land. *(Revised 3/31/2010)*

A Wind Energy Conversion System shall not be permitted in the following zoning districts: R1, R2, and in R3 with parcels of two (2) acres or less and in any zone with one (1) acre or less of land.

16.4 APPLICATION REQUIREMENTS:

1. Site plan to scale showing the location of the proposed Wind Energy Conversion System and the locations of all existing buildings, structures and property lines along with distances.
2. Site plan to scale showing the property lines and physical dimensions of the site.
3. Elevations of the site to scale showing the height, design and configuration of the Wind Energy Conversion System and the height and distance to all existing structures, buildings, electrical lines and property lines.
4. Standard drawings and an engineering analysis of the system's tower including weight capacity and wind resistance.
5. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.
6. Location of all above ground and underground utility lines on site or within one radius of the total height of the Wind Energy Conversion System.
7. Location and size of structures above 35 feet within a 500-foot radius of the proposed Wind Energy Conversion System. For purpose of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.
8. Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including the name and address of the manufacturer and model number.
9. Show the zoning designations of the immediate and adjacent sites and the locations of any buildings or improvements that are within the fall zone of the proposed tower.
10. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.

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11. A description of emergency and normal shutdown procedures
12. All Wind Energy Conversion Systems shall be required to meet all building and electrical codes.
13. A Certificate of Liability Insurance shall be required. *(Revised 3/31/2010)*

16.5 SETBACK DISTANCES:

1. In the R3 district, Wind Energy Conversion Systems shall be set back from any property line, above ground utility line or other Wind Energy Conversion System, a distance not less than 1.5 times its total height, including blades except for vertical axis systems which need be set back a distance not less than 1.1 times its total height. In the NB, HB, LI, HI districts, Wind Energy Conversion Systems shall be set back from any property line, above ground utility line or other Wind Energy Conversion System, a distance not less than 1.1 times its total height, including blades.
2. No Wind Energy Conversion System shall be located in any front yard.
3. No Wind Energy Conversion System shall be erected on any parcel that is less than one (1) acre in size.

16.6 DESIGN STANDARDS AND GENERAL PROVISIONS:

1. **Monopole or Freestanding Design:** The Wind Energy Conversion System shall be of a monopole or freestanding design without guy wires.
2. **Access:** No tower shall have a climbing apparatus within twelve (12) feet of the ground and the tower shall be completely enclosed by a locked, protective fence at least six (6) feet high enclosing the entire site of the tower.
3. **Signs:** At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage.
4. **Overspeed Controls:** Every Wind Energy Conversion System shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory.

5. **Minimum Blade Height:** The minimum height of the lowest part of the swept area of a horizontal axis System shall be thirty (30) feet. The overall height of a Wind Energy Conversion System shall be equal to or less than one hundred and eighty (180) feet. *(Revised 3/31/2010)*
6. **Engineering Certification:** The engineer should also certify the structural compatibility of the proposed tower and rotor system. This certification would normally be supplied by the manufacturer.
7. **Noise:** The operation of the Wind Energy Conversion System shall be conducted in a manner that does not create noise measured at the nearest residential lot boundary that exceeds the A weighted decibel (dB(A)) sound level of the street traffic noise at that location, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.
8. **Electromagnetic or signal interference:** No Wind Energy Conversion System shall cause interference with television or other communication systems.
9. **Lighting of the Tower:** Lighting of the tower for aircraft and helicopter will conform with Federal Aviation Administration standards for wattage and color, when required.
10. **Advertising:** No advertising signs of any kind or nature whatsoever shall be permitted on any Wind Energy Conversion System or upon the surrounding security fence. Small incidental signs listing the manufacturer of the equipment will be permitted. A sign listing the owner of the facility and the responsible person will be required.
11. **Electrical Interconnections:** All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements. No Wind Energy Conversion System shall be installed until evidence has been given of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

16.7 DECOMMISSIONING AND RESTORATION:

1. The applicant shall include the following information regarding decommissioning of the project and restoring the site:
 - A. The anticipated life of the project;
 - B. The estimated decommissioning costs in current dollars;
 - C. The method and schedule for updating the costs of decommissioning and restoration; and
 - D. The anticipated manner which the project will be decommissioned and the sited restored.
2. Columbia Township shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the Wind Energy Conversion System in case the applicant fails to do so as required above. **Proof of this bond shall be provided each year to the zoning inspector.**
3. The sufficiency of the demolition bond shall be confirmed at least every five (5) years by an analysis and report of the cost of removal and property restoration.

16.8 NON USE:

1. Any Wind Energy Conversion System which complies with the terms for this resolution which is not used for two years, excluding repairs, shall be removed within forty-five (45) days. Failure to remove the system shall be deemed a violation of this resolution.
2. Any Wind Energy Conversion System which is nonconforming and which is not used for one (1) year, excluding repairs, shall be removed within forty-five (45) days. Failure to remove the system shall be deemed a violation of this resolution.

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