

-ZONING RESOLUTION-

COLUMBIA TOWNSHIP LORAIN COUNTY, OHIO

A resolution providing for the zoning of the unincorporated area of COLUMBIA TOWNSHIP by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purposes dividing the unincorporated area of the township into zones and districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this Resolution. This Resolution is a recodification and amendment of the Zoning Resolution adopted November 7, 1950, as amended and supplemented. Adopted by Resolution 24-01 of the Board of Trustees of Columbia Township, Lorain County, Ohio on July X, 2024.

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Article 1: Title, Interpretation and Enactment

Section 1.01: Title

This resolution shall be known and may be cited as the “Zoning Resolution of Columbia Township, Lorain County, Ohio.”

Section 1.02: 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.

Section 1.03: 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.

Section 1.04: 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.

Section 1.05: 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.

Article 2: Definitions

Section 2.01: 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.”

Section 2.02: 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.

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.

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

BUFFERYARD: An area of land of various widths which separates one district from another district. All bufferyards 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, porches, and decks 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, 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.

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.

CONSERVATION DEVELOPMENT: A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

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 at least 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.

DEDICATED AND IMPROVED STREET OF RECORD: 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.

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, siding, wiring and insulation materials.

DISABLED VEHICLE: Any vehicle that is currently licensed 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 and farming lanes 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.

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.

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.

FRONTAGE: (1) The continuous distance between the side lot lines measured along the public dedicated and improved street of record; 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.

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 R.C. 3734.01(J) or in such statute as it may hereafter be amended.

HOME OFFICE: 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.

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.

IN-LAW SUITE: 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.

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, PAY FOR USE: A business premise equipped with individual clothes washing and drying machines for the use of retail customers. Pay for usedry 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, and unfinished basements.

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; or
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 dedicated and improved street of record 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 in the Office of the County Recorder.

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.

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.

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.

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.

PLANNED UNIT DEVELOPMENT: An area of land that encourages the efficient use of land and resources, promote greater efficiency in public and utility services, ensure orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building without detriment to the community. PUD regulations are intended to permit

property to be used in a manner or intensity not permitted as-of-right by the current district regulations.

PONDS:

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:** 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. Also commonly referred to as “landscape pond,” “water garden,” etc.

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: Preservation of habitat and 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 profit (e.g., truck driving school, welding school, or a day care school/nursery school).

PRIVATE ROADWAYS: Any roadway in private ownership used for vehicular travel.

PRIVATE SCHOOL: Any school that is not a public school.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, gravel, or topsoil 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.

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.

SATELLITE DISH: A concave “disk-shaped” antenna designed to receive transmissions from a satellite.

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 dedicated and improved street of record 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.

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.

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.

SOLID WASTES: Materials as are described in R.C. 3734.01(E) or in such statute as it may hereafter be amended.

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

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 (CENTER LINE): The dedicated and improved street of record 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 or center line of the road, street or highway.

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.

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.

Article 3: Enforcement

Section 3.01: 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 R.C. 519.16, as amended and supplemented and in accordance with Chapter 519 of the Ohio Revised Code.

Section 3.02: 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.

Section 3.03: Contents of Zoning Certificate Application

The application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and accuracy 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:

- i. Name, address, and phone number of applicant (if applicant is not the owner of the subject property, documentation of interest is required);
- ii. Legal description of the subject property;
- iii. Existing use of the subject property;
- iv. Proposed use of the subject property;
- v. The applicable zoning district in which the subject property is located;
- vi. Plans for the proposed use 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;
- vii. Building heights;
- viii. Number of off-street parking spaces or loading berths;
- ix. Number of dwelling units; and

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

Section 3.04: 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 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 sewage system inoperable may be granted an extension for such a period of time as needed to repair, update or install an approved sewage system.

Section 3.05: Action on Zoning Certificate Application

Within thirty (30) business days after receipt of an application for a Zoning Certificate, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Resolution and the application is accompanied by payment of applicable fees.

Section 3.06: 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.

Section 3.07: Expiration of Zoning Certificates

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 (6) month extensions. If the applicant fails to timely request a six (6) 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.

The cost for submitting an application for a Zoning Certificate, including applicable fees in connection with any extension thereof, are set forth in this Resolution.

Section 3.08: Expiration of Conditional Use Permits

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 subject permit was issued or if such use shall cease for more than two (2) years.

Section 3.09: Renewal of Zoning Certificate

All Zoning Certificate renewals may 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.

Section 3.10: 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.

Section 3.11: Application for Certificate of Compliance

The application for Certificate of Compliance or Temporary Certificate of Compliance shall be made on a form satisfactory to the Zoning Inspector and shall contain the following information:

- A. Name, address, phone number of owner;
- B. Copy of Zoning Certificate, if any;
- C. Zoning district in which building or land is located;
- D. Statement of proposed use of building or land; and
- E. Notarized signature of owner.

Section 3.12: 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 landowner to which a Certificate of Compliance was refused by the Zoning Inspector, may appeal to the Board of Zoning Appeals as provided herein.

Section 3.13: 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 significant progress is shown, during alterations or partial occupancy of a building pending its completion.

Section 3.14: 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.

Section 3.15: Office of Zoning Inspector Created

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. Before discharging their duties hereunder, the Township's Zoning Inspector shall give bond as specified in R.C. 519.161.

Section 3.16: Duties of Zoning Inspector

The Zoning Inspector shall have the following duties:

- A. Upon finding that any of the provisions of this resolution are being violated, they shall notify, in writing, the person responsible for any violations, ordering the action necessary to correct any violations;
- B. Order discontinuance of illegal uses of land, buildings, or structures;
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- D. Order discontinuance of any illegal work being done; and

- E. Take any other action authorized by this Resolution to ensure compliance with or to prevent violations of this Resolution, which may include the issuance of and action on Zoning Certificates and Certificates of Compliance and such similar administrative duties as are permissible under the law.

Section 3.17: 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.

Section 3.18: 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 kept in the Office of the Commission. In order to take any official action, a majority of the members of the Commission must be present.

Section 3.19: Duties of Zoning Commission

The Commission shall have the following duties:

- A. Review and/or initiate and review all proposed amendments to this resolution, and make recommendations to the Board of Township Trustees.
- B. Review PUDs Conservation Developments, and Town Center Mixed Use Developments,, and make recommendations to the Board of Township Trustees, in accordance with this Resolution.

Section 3.20: 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. In order to take any official action, a majority of the members of the Board of Zoning Appeals must be present.

Section 3.21: Powers and Duties of Board of Zoning Appeals

The Board of Zoning Appeals shall have the following duties:

- A. 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. In discharging this duty, the Board of Zoning Appeals may, in conformity with the provisions of law and the 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.
- B. To authorize, upon appeal, in specific cases, a dimensional variance from the terms of this Resolution where owing to special conditions a literal enforcement of the provisions of this Resolution (or any amendments thereto) would result in an unnecessary hardship upon the applicant. Use variances are prohibited by this Resolution.
- C. For purposes of determining whether an unnecessary hardship would result from a Board of Zoning Appeals' decision denying an applicant's dimensional variance application, members shall weigh the following factors:
 - i. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - ii. Whether the variance is substantial.
 - iii. 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.
 - iv. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
 - v. Whether the property owner purchased the property with the knowledge of the zoning restriction.

- vi. Whether the property owner's predicament can feasibly be obviated through some method other than a variance.
 - vii. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- D. To convert a nonconforming 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 nonconforming use.
- E. 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.
- F. In reviewing Conditional Use Permit Applications, the Board of Zoning Appeals shall consider the following:
- i. The use is in fact a conditional use as established within the applicable zoning district;
 - ii. The use will be harmonious with, and in accordance with, the purpose of this Resolution;
 - iii. The use will conform to the general character of the neighborhood in which it will be located;
 - iv. The use complies with all applicable provisions of this zoning resolution including any use-specific standards;
 - v. The use 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 will not change the essential character of the same area;
 - vi. The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
 - vii. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
 - viii. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- G. 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 their 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.

- H. An appeal of a determination made by a public official, a request for a dimension variance, a request for the conversion of a nonconforming use, the granting of a Conditional Zoning Certificate or the modification of the conditions of a Conditional Zoning Certificate shall require a minimum three (3) affirmative votes in order for such request to be approved by the Board of Zoning Appeals. For purposes of satisfying quorum requirements, any member who refrains from voting on a particular item shall be considered absent. In the event 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 on the subject application, but shall continue the public hearing to its next meeting without a formal vote.
- I. 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 for the appeal. 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.
- J. 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 forty-five (45) days after the applicant has submitted all information and materials necessary for the Board to make a determination. For purposes of conducting the appeal's hearing, any party may appear in person or by attorney.

Section 3.22: Penalties for Violations of the Zoning Resolution

Any person, firm, or corporation violating this 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 R.C. 519.99. Each and every day during which such illegal erection, construction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

Section 3.23: Legal Remedy for Violations 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.

Section 3.24: 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

Section 4.01: 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. While it is the intent of this Resolution to permit these nonconforming uses to continue until such use terminates or expires, it is also the intent of this resolution that nonconforming uses shall not be enlarged, 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 this Resolution.

Section 4.02: 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.

Section 4.03: General Conditions

Nonconforming uses may not be expanded, altered, or enlarged so as to extend said nonconforming use. Nonconforming uses may be continued unless such use is voluntarily discontinued for two years or more in which the subject nonconforming use shall be deemed abandoned. Once a nonconforming use is abandoned, further uses must be in conformity with the uses permitted in the subject property's applicable zoning district. Whenever a nonconforming use is destroyed by fire or the elements, such use may be continued provided the proposed reconstruction and use are consistent with the subject property's prior nonconformity.

Section 4.04: Conversion of Use

An existing legal nonconforming use may be converted to a different use if it is determined by the Board of Zoning Appeals that:

- A. 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
- B. 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 nonconforming 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 nonconforming use.

Section 4.05: Rear Houses on Single Lots

Rear houses on a single lot are prohibited unless such rear houses can be made to conform to the requirements of the zoning district in which it is located by subdividing the subject lot to conform to the subdivision regulations currently in effect.

Section 4.06: Churches and Single-Family Residences

A church, a single-family residence, or an accessory building to a church or single-family residence, which became a nonconforming by enactment of this 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 provided herein. For purposes of calculating the front yard setback, the front yard setback shall be defined as the distance from the road dedicated and improved street of record to the part of the existing structure which extends closest to the road dedicated and improved street of record.

Section 4.07: Approved Platted Subdivision

A lot and/or a single-family residence within an approved platted subdivision which became a nonconforming use by virtue of this Resolution's enactment shall be regulated by lot size and front yard setbacks that were in effect at such time the subject subdivision was approved.

Article 5: Zoning Amendments

Section 5.01: Initiation of Zoning Amendments

Amendments to this 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.

Section 5.02: Contents of Application

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

- A. 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);
- B. Proposed amendment to the text or legal description;
- C. Present use;
- D. Present zoning district;
- E. Proposed use;
- F. Proposed zoning district;
- G. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning and other such items as the Zoning Inspector may require;
- H. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
- I. A statement on how the proposed amendment relates to the zoning in that area; and
- J. Payment of applicable fees established by the Township Trustees.

Section 5.03: 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) days 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.

Section 5.04: 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.

Section 5.05: 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:

- A. The name of the Zoning Commission that will be conducting the public hearing;
- B. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- C. 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;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. 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;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail or by both publication and mail;

- G. Any other information requested by the Zoning Commission; and
- H. 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 this 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:

- A. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
 - B. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
 - C. 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;
 - D. The name of the person responsible for giving notice of the public hearing by publication;
 - E. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action; and
 - F. Any other information requested by the Zoning Commission.

Section 5.06: 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.

Section 5.07: 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:

- A. The name of the board that will be conducting the public hearing;

- B. A statement indicating that the motion, application, or resolution is an amendment to the Resolution;
- C. 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;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, application or resolution proposing to amend the Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail; and
- G. Any other information requested by the Board.

If the proposed amendment alters the text of this 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.

- A. The name of the board that will be conducting the public hearing on the proposed amendment;
 - B. A statement indicating that the motion, application or resolution is an amendment to the Resolution;
 - C. 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;
 - D. The name of the person responsible for giving notice of the public hearing by publication; and
 - E. Any other information requested by the Board.

Section 5.08: 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.

Section 5.09: 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 R.C. 3501.38.

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.

Article 6: Provisions for Official Zoning Map

Section 6.01: 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. The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees, attested by the Township Fiscal Officer, and bearing the seal of the township. There is on file in the Office of the Township Fiscal Officer legal descriptions of each zoning district shown on the Official Zoning Map. These legal descriptions are hereby incorporated by reference, adopted and made part of this Resolution.

Section 6.02: 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.

Official Columbia Township Zoning Map

Columbia Township, Lorain County, Ohio

GIS Map Drawn: 06/2024



Zoning Map Adopted: _____

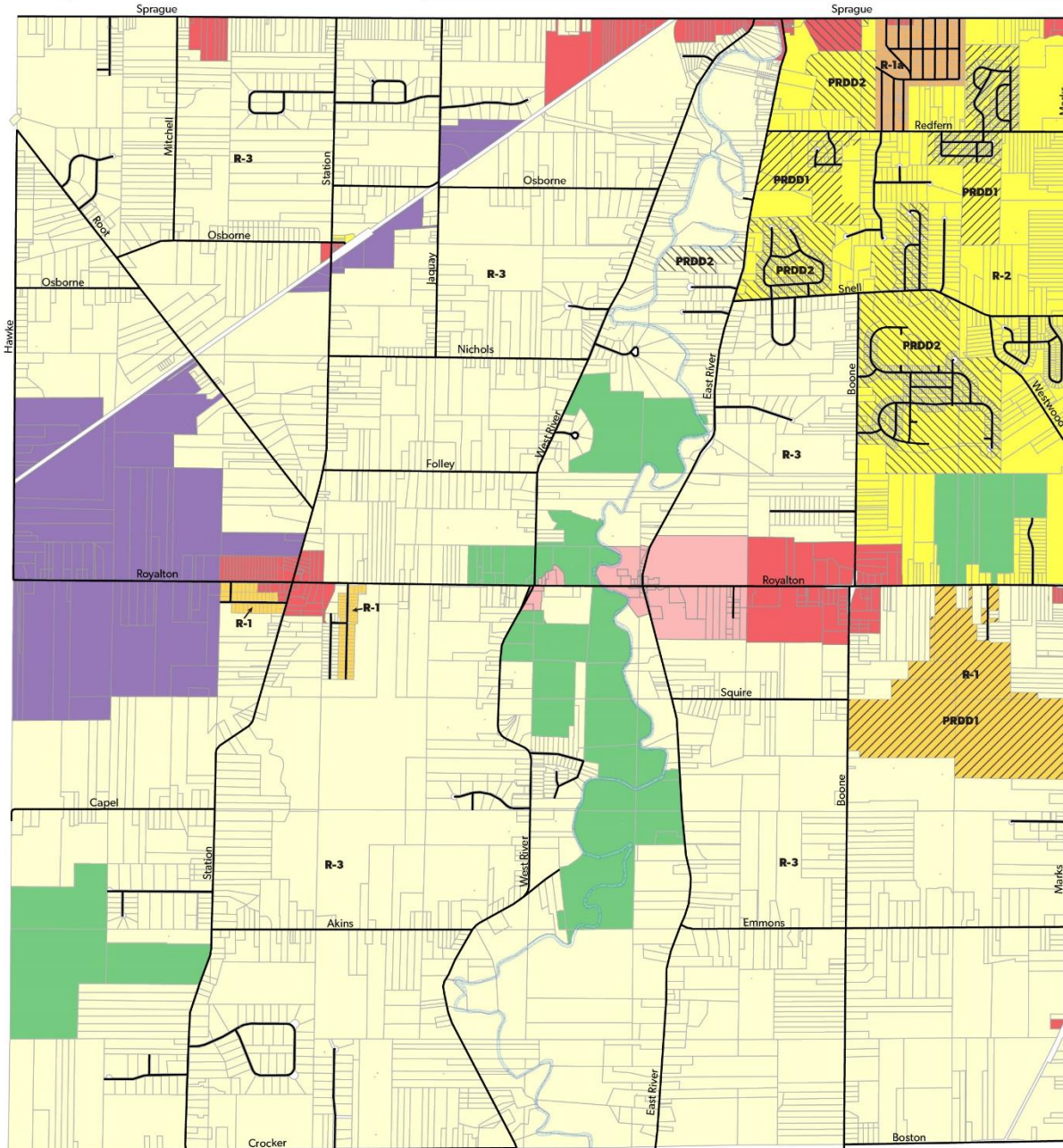
Chair, Columbia Township Trustees

Township Trustee

Township Trustee

Township Fiscal Officer

Zoning Districts			
	R-1a High Density Residential		Town Center Mixed Use
	R-1 High Density Residential		Light Industrial
	R-2 Medium Density Residential		Recreational
	R-3 Low Density Residential		PRDD1
	Neighborhood Commercial		PRDD2



Article 7: Establishment and Purpose of Districts

Section 7.01: Zoning Districts Established

All uses, whether permitted or conditionally permitted in zoning districts are subject to all applicable regulations of this Resolution. The unincorporated area of Columbia Township is hereby divided into the following districts and for the following purposes:

R-1 High Density Residential: The intent of this district is to encourage the efficient use of land and resources, promote greater efficiency in the provision of public services, and support the residential development of properties. 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.

R-1a High Density Residential: The purpose of this district is to accommodate existing high-density residential development which is existing at the time of this zoning amendment, specifically existing development along Sprague Road within the “ABC Streets”. 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.

R-2 Medium Density Residential: The intent of this district is to develop high-quality, residential neighborhoods with ample amenities for residents. This district shall consist of development with a minimum of one (1) acre lot sizes.

R-3 Low Density Residential: The intent of this district is to maintain the Township’s rural character and to preserve open spaces and environmentally sensitive areas with minimum two (2) acre lot sizes.

Neighborhood Commercial: The intent of this district is to allow for smaller-scaled commercial, retail, or office development along major corridors and nodes. This district shall encourage the type and design of commercial uses that are compatible in scale, character, and intensity with the neighboring residential development.

Town Center Mixed Use: The intent of this district is to allow for flexibility in end uses while focusing on the scale and form of development. Mixed Use can be defined as either a mixing of uses vertically or horizontally within the same parcel. This district should focus on coordinated development patterns at a pedestrian scale, with high-quality architecture, plazas, public gathering spaces, sidewalks, and pedestrian and bicycle amenities. Building setbacks from the primary street should be minimal and first floor non-residential uses should include large windows to better activate the adjacent streetscape.

Recreational: The intent of this classification is to define parks and open space. This district also includes recreational facilities including golf courses, driving ranges, and open space.

Light Industrial: The intent of this district is to allow for industrial development that expands the Township’s economic base and creates job opportunities for area residents.

Planned Residential Development Districts, PRDD1 and PRDD2: 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.

Section 7.02: 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.

Section 7.03: Principally Permitted Use Tables

Tables 7.03-A and 7.03-B (Permitted Use Tables) set forth the principally permitted uses within the zoning districts.

- A. **Permitted Use (P):** A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- B. **Permitted Use with Use-Specific Standards (PS):** A “PS” in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this Resolution.
- C. **Conditional Use (C):** A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the Board of Zoning Appeals in accordance with Article 3. Conditional uses are subject to all other applicable regulations of this Resolution.
- D. **Prohibited Uses (X):** An “X” in a cell indicates that a use is prohibited in the respective zoning district.

Table 7.03-A

Use Types - Residential Districts

P = Permitted Use, PS = Permitted with Standards, C = Conditional Use, X = Prohibited

Use Type	R-3 Low Density Residential	R-2 Medium Density Residential	R-1 and R-1a High Density Residential	Additional Requirements
Single Family Dwelling	P	P	P	
Permanent Manufactured Homes	PS	PS	PS	7.05 B
Accessory Buildings and Structures	PS	PS	PS	
In-Law Suites	PS	PS	PS	7.05 D
Swimming Pools	PS	PS	PS	9.11
Recreational Vehicles	PS	PS	PS	9.04
Home Office	C	C	C	
Small Solar Energy Systems	PS	PS	PS	15.09 – 15.19
Wind Energy Conversion Systems	PS	X	X	15.01 – 15.08
Adult Foster Care Homes	C	C	C	
Child Day Care	P	P	P	
Educations Institutions	C	C	C	
Parks and Playgrounds	C	C	C	
Government Buildings and Utilities	C	C	C	
Libraries	C	C	C	
Places of Worship	C	C	C	
Short Term Rentals	X	X	X	
Apartments	X	X	X	

Table 7.03-B

Use Types - Commercial, Industrial, and Recreational Districts

P = Permitted Use, PS = Permitted with Standards, C = Conditional Use, X = Prohibited

Use Types	Mixed-Use Town Center	Neighborhood Commercial	Light Industrial	Recreational	Additional Requirements
Residential					
Single-family Dwelling	P	X	X	X	
Single-family Clusters	P	X	X	X	
Townhouses/Condos	X	X	X	X	
Multi-family	X	X	X	X	

Residential above first floor retail	X	X	X	X	
Apartments	X	X	X	X	
Short Term Rentals	X	X	X	X	
Commercial Retail & Services					
Retail	P	P	X	X	
Offices	P	P	X	X	
Personal services	P	P	X	X	
Repair services	P	P	X	X	
Restaurants	P	P	X	X	
Taverns/pubs	P	P	X	X	
Outdoor Dining	PS	PS	X	X	7.27 b 1
Hotels/Bed and Breakfast	X	X	X	X	
Banks	P	P	X	X	
Gasoline service stations	X	C	X	X	
Automotive services	C	P	X	X	
Automotive repair	C	P	X	X	
Walk-up ATM's	P	P	X	X	
Drive-through facility	X	X	X	X	
Wholesale offices/showrooms	X	P	X	X	
Indoor recreation/amusement	P	P	X	X	
Veterinary clinics and veterinarian practices	C	P	X	X	
Adult day care centers	X	C	X	X	
Child day care centers	X	C	X	X	
Nursing facilities and assisted living facilities	X	C	X	X	
Car wash	X	P	X	X	
Industrial					
Warehousing	X	X	P	X	
Wholesale Distribution	X	X	P	X	
Contractor Equipment Storage	X	X	P	X	
Public Storage Units	X	X	P	X	
Food and drink preparation	X	X	P	X	
Research and development	X	X	P	X	
Flex or Commercial Office	X	X	P	X	
Institutional					

Educations Institutions	X	C	C	X	
Parks and Playgrounds	X	C	C	P	
Government Buildings and Utilities	X	C	C	X	
Libraries	X	C	X	X	
Places of Worship	X	C	C	C	
Other Uses					
Golf Courses	X	X	X	P	
Golf Driving Range	X	X	X	P	
Clubhouses/Pavilions	X	X	X	C	
Wind Energy Conservation Systems	X	X	C	X	
Small Solar Energy Systems	C	C	C	X	
Competitive and Recreational sports facilities	X	X	C	C	

Section 7.04: Similar Use Determination

- A. Where there is a proposed use that is not currently listed in the permitted use tables of this zoning resolution, the zoning inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B. The zoning inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.
- C. The zoning inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning resolution or, as an alternative, the zoning inspector may make a recommendation to the zoning commission that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Article 5: Zoning Amendments.

Section 7.05: Permitted Uses in Residential Districts

Except as otherwise indicated on Table 7.03-A, no land may be used or occupied and no structure erected, altered or used within the R-3 Low Density Residential, R-2 Medium Density Residential, and R-1 High Density Residential Districts unless such use is for the following:

- A. Single family dwellings and buildings accessory thereto.
- B. Permanently-Sited Manufactured Home, only if it meets all the following criteria:

- i. The structure was manufactured after January 01, 1995.
- ii. The structure is affixed to a permanent foundation and is connected to appropriate facilities.
- iii. 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.
- iv. 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.
- v. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- vi. The title for such structure shall be surrendered to the Auditor to tax said structure as real estate from that day forward.
- vii. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district.

C. 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.

D. A single-family dwelling may be converted to allow for the incorporation of an in-law suite only if both segments of the dwelling unit meet all of the following conditions; and in-law suite already incorporated into a single family dwelling may be occupied only if it meets all of the following conditions:

- i. The in-law suite must be clearly incidental to the primary dwelling use and cannot exceed 600 sq ft.
- ii. Both segments of the dwelling must be owned by the same individual or individuals.
- iii. The residents of both segments of the dwelling must be related by blood, marriage or adoption.

- iv. 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.
- v. The two segments of the dwelling must be served by no more than one electric meter, one gas meter and one water meter.
- vi. The owner, or all owners if theirs is a joint ownership, must sign and submit to the zoning inspector an affidavit affirming that:
 - a. They understand the conditions of the Columbia Township Zoning Resolution as apply to an in-law suite.
 - b. 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.
 - c. 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.

Section 7.06: Conditional Uses in Residential Districts

- A. **Adult Foster Care.** Adult foster care facilities must receive a Conditional Use Certificate prior to locating within one of the Township’s residential districts, and are subject to lot regulations within the applicable district. In order to obtain the Board of Zoning Appeals’ approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant’s hearing:
 - i. The “Adult Foster Care” use is limited to not more than four (4) adults.
 - ii. The homeowner and caregiver must be the same person and reside in the subject facility.
 - iii. Must have an EPA- or Lorain County Health Board-approved adequate sanitation system with updated inspections.
 - iv. Adequate parking is provided on the subject property, with the driveway and parking areas surfaced with asphalt or concrete.

- v. No exterior signs are permitted on the facility.
- vi. The facility may only serve ambulatory people.
- vii. Smoke and carbon dioxide detectors are located in every room and hallway of the facility.
- viii. A central alarm system must be installed within the facility to alert the person(s) on duty whenever any exit door has been opened.

B. **Home Office.** It is the purpose of this section to promote the public health, safety and welfare through the regulation of home office within the Township. 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. In order to obtain the Board of Zoning Appeals' approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

- A. Only members of the family residing on the premises shall be engaged in such Home Offices.
- B. No Home Office shall be conducted in any attached garage, detached garage or accessory building.
- C. 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 Office. For the purpose of this section, "floor area" shall include the basement but shall not include the garage.
- D. 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 Office business.
- E. No traffic shall be generated by such Home Office in greater volume than would normally be expected in a residential district.
- F. 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.
- G. No outside storage or display of anything connected to the Home Office shall be permitted.

H. No equipment or process shall be used in any Home Office 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, television receiver, home internet, or cellular service off the premises or causes fluctuations in the line voltage off the premises.

C. **Religious Institutions.** In order to obtain the Board of Zoning Appeals' approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

A. Pursuant to Article 10, adequate parking shall be provided.

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. All buildings, structures, accessory buildings including garages shall have a one hundred (100) foot front yard setback from the road right of way.

D. Street frontage must be at least two hundred (200) feet.

E. The subject lot shall be at least one (1) acre per one hundred seats with a minimum lot of three (3) acres for such religious institution.

F. 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.

G. 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 nospill on to adjacent properties.

H. 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.

I. 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.

D. **Wind Energy Conversion Systems.** Wind Energy Conversion Systems are conditionally permitted in the R-3 Low Density Residential District only, with the conditions specified in Article 15.

Section 7.07: Permitted Uses in Neighborhood Commercial

Except as otherwise indicated on Table 7.03-B, no land may be used or occupied and no structure erected, altered or used within the Neighborhood Commercial District unless such use is for the following:

- 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.

Section 7.08: Conditional Uses in Neighborhood Commercial, Light Industrial, and Recreational Districts

- A. **Service Stations.** Service stations must receive a Conditional Use Certificate prior to locating within the Neighborhood Commercial District, and are subject to lot regulations within the applicable district. In order to obtain the Board of Zoning Appeals’ approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant’s hearing:
 - i. Maximum width of curb opening for stations should not be more than thirty-five (35) feet nor less than twenty (20) feet.

- ii. 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.
- iii. 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 dedicated and improved street of record line.
- iv. The angle of intersection of the centerline of the driveway with the centerline of the street shall be not less than sixty (60) degrees.
- v. 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.
- vi. When such proposed use abuts a lot in any of the residential districts refer to Bufferyards standards in Section 8.05.
- vii. Gasoline pump-islands, compressed air connections and other equipment shall be setback a minimum of thirty (30) feet from any dedicated and improved street of record line. Hydraulic hoists, pits, and all lubrication, washing, and repair equipment shall be enclosed entirely within a building.

B. **Automobile Repair Garages.** Automobile repair garages must receive a Conditional Use Certificate prior to locating within the Mixed-Use Town Center District, and are subject to lot regulations within the applicable district. In order to obtain the Board of Zoning Appeals' approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

- i. Automobile, truck, and trailer repairs shall be conducted completely within an enclosed building.
- ii. When such use abuts a lot in any residential district refer to Bufferyards standards in Section 8.05.
- iii. 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 dedicated and improved street of record lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property lines.

C. **Automobile Automatic Wash and Polish Stations.** Automobile automatic wash and polish stations must receive a Conditional Use Certificate prior to locating within the Mixed-Use Town Center District, and are subject to lot regulations within the applicable

district. In order to obtain the Board of Zoning Appeals' approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

- i. 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 one of the three residential districts.
- ii. 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.
- iii. 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 dedicated and improved street of record lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property lines.
- iv. Refer to Section 8.05 for Bufferyards standards for screening requirements when property abuts a differing adjacent use.

D. **Veterinary Hospitals and Kennels.** Veterinary hospitals and kennels must receive a Conditional Use Certificate prior to locating within the Mixed-Use Town Center District, and are subject to lot regulations within the applicable district. In order to obtain the Board of Zoning Appeals' approval for this conditional use, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

- i. All riding or exercising of animals shall be conducted solely on the premises.
- ii. 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.

E. **Religious Institutions and Nonreligious Institutions.** In order to obtain the Board of Zoning Appeals' approval for this conditional use in the Light Industrial and Neighborhood Commercial Districts, applicants must provide certification that the following conditions have been satisfied at the time of the applicant's hearing:

- A. Pursuant to Article 10, adequate parking shall be provided.

- 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. All buildings, structures, accessory buildings including garages shall have a one hundred (100) foot front yard setback from the road right of way.
 - D. Street frontage must be at least two hundred (200) feet.
 - E. The subject lot shall be at least one (1) acre per one hundred seats with a minimum lot of three (3) acres for such religious institution.
 - F. 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.
 - G. 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 no spill on to adjacent properties.
 - H. 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.
 - I. 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.
- F. **Wind Energy Conversion Systems.** Wind Energy Conversion Systems are conditionally permitted in the Light Industrial District only, with the conditions specified in Article 16.
- G. **Skilled Care Facility.** “Skilled Care Facility” means a facility providing care to patients/residents 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. In order to obtain the Board of Zoning Appeals’ approval for this conditional use in the Neighborhood Commercial District, applicants must provide certification that the following conditions have been satisfied at the time of the applicant’s hearing:
- i. An appropriate landscape buffer between the subject property and adjoining properties is required.
 - ii. 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.

- iii. Must have an inspection and service contract for the sanitation system.

H. **Schools.** For the purpose of this section, “schools” shall be defined as non-locally tax supported institutions of learning, such as business, trade, private, or similar institutions. In order to obtain the Board of Zoning Appeals’ approval for this conditional use in the Neighborhood Commercial and Light Industrial Districts, applicants must provide certification that the following conditions have been satisfied at the time of the applicant’s hearing: and shall be subject to the following conditions:

- i. Access roads and driveways shall be located not less than one hundred fifty (150) feet from any intersection.
- ii. Adequate parking shall be provided as indicated in Article 10.
- iii. Any other conditions that the Board of Zoning Appeals deems necessary.
- iv. Staging lanes must be constructed of sufficient length to accommodate queued traffic within the property limits and said traffic does not extend into the adjacent roadway dedicated and improved street of record.

I. **Competitive, Organized and Recreational Sports Facilities, Indoor and Outdoor.** These facilities include any buildings, structures and/or incidental components such as fences, backstops, bleachers, storage buildings or any other physical elements related to the sport or activity as well as any structures required for spectators of said sport or activity. Conditions shall apply to properties primarily used for this purpose as well as properties under other primary uses that add or include these facilities. Conditions that must be met beyond all other standards for the applicable zoned district include:

- i. All facilities including parking areas or garages shall be set back one-hundred (100) feet from any adjacent residential lot.
- ii. All facilities shall have one hundred (100) foot front yard setback from road right of way.
- iii. Street frontage must be at least two hundred (200) feet.
- iv. 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.

- v. Loudspeakers or sound systems 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 due to volume, intermittence, beat, frequency, or shrillness.
- vi. Any applicable bufferyard standards set forth in Sections 8.5-8.11 are met.
- vii. Parking for the facility must be adequate to accommodate all patrons and participants to the facility's activities solely on the property of the facility. Parking shall not extend to other properties or public roadways.
- viii. When outdoor recreational and competitive sports facilities are conditionally permitted by Columbia Township for operation during hours of darkness, the following requirements shall apply:
 - a) Recreational facilities for any organized or competitive sport or activity, including motorized/mechanized, shall not be illuminated for game or match play if located or sited on a non-residential property within 1,000 feet of any building on any adjacent residential use property.
 - b) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.
 - c) The use of engine/generator portable boom lighting shall not be permitted within the Columbia Township for the purposes of regular use outdoor recreational facilities.
 - d) To assist Columbia Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied by a visual impact plan that contains the following:
 - 1. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - 2. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
 - 3. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.

4. A narrative describing the measures proposed to achieve minimum off-site disturbance.

Section 7.09: Permitted Uses in the Light 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.

Except as otherwise indicated on Table 7.03-A, no land may be used or occupied and no structure erected, altered or used within the Light Industrial Districts unless such use is for the following:

- A. Warehousing
- B. Wholesale Distribution Establishments
 - i. Food and goods distribution.
 - ii. 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 and garages.
- 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. Light cutting and light stamping are defined as operations that are not audible from the adjacent roadway dedicated and improved street of record and neighboring properties.
 - a. Vibrations from light cutting and light stamping shall be minimized as much as possible and vibrations shall not extend beyond the property line. The property owner shall provide a vibration report to

the Township Zoning Inspector that ensures vibrations do not extend beyond the property line.

H. Research and development.

Section 7.10: Permitted Uses in the Recreation 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. Except as otherwise indicated on Table 7.03-B, no land may be used or occupied and no structure erected, altered or used within the Recreation District unless such use is for the following:

- A. Golf courses
- B. Golf driving ranges
- C. Swimming parks
- D. Public parks, playgrounds
- E. Botanical gardens
- F. 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 7.12 of this Resolution. Portable sanitary toilets are permitted provided they are no less than 100 feet from the property line and screened or shielded from view of residential areas and public roads.

Section 7.11: Clubhouses and Pavilions in Recreation District

All clubhouses and pavilions allowed in the Recreation District shall be subject to the following requirements:

- A. 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.

- B. 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 dedicated and improved street of record. 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.
- C. In all cases, access to and from the clubhouse or pavilion to and from the dedicated and improved street of record shall meet the requirements of this Resolution, subject to review and approval by the Zoning Commission prior to the issuance of a Zoning Certificate by the Zoning Inspector.
- D. 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 (A)-(C) above; unless by specific agreement of the applicant and the Zoning Commission, in writing, said time is mutually extended.

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.

Section 7.12: Mixed-Use Town Center District

The Town Center Mixed-Use District (TCMU) and its regulations are established in order to permit specific uses, at a development intensity in a manner that:

- (a) Encourages skillful planning by allowing flexibility in type and placement of buildings while promoting coordinated rural-themed architectural design within a unified development area.
- (b) Encourages a mixture of complementary land uses that includes housing, retail, offices, and commercial services to create economic and social vitality and to encourage the linking of trips.
- (c) Encourages a concentration of development (floor area per acre).
- (d) Utilizes topographic and landscape features to enhance and unify the development as well as protect adjacent residential neighborhoods.

- (e) Provides flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.
- (f) Expands the scope of land planning from the concept of unrelated individual parcels and buildings to a coordinated and harmonious development.
- (g) Establishes design criteria for the new developments that are aesthetically pleasing and pedestrian friendly.
- (h) Promotes the efficient use of land, utilities, streets and services.
- (i) Promotes increased open space and landscaped areas between uses along public roads.
- (j) Controls the vehicular circulation and access to existing roads to reduce congestion and increase safety.
- (k) Reinforces streets as public places that encourage pedestrian and bicycle travel.

A. Establishment of a Town Center Mixed-Use District

The Town Center Mixed-Use district (“TCMU”) is established as a mixed-use district to meet the Township's vision of creating a rural-themed, traditional town center area. The Use and Development Standards are directed towards creating a unique character that meets with the Township's vision as detailed within the Township’s 2024 Comprehensive Plan Update. The boundaries of the Town Center Mixed-Use District shall be indicated on the official Columbia Township Zoning Map with the TCMU designation.

B. TCMU Use Regulations

Buildings and land shall be used and buildings shall be designed, erected, altered, moved, added to or maintained in the TCMU District only for those uses set forth in Table 7.03-B.

C. TCMU Area Regulations

The minimum area of a proposed development within the TCMU District shall be not less than 12 acres of contiguous land. In satisfying this requirement, the development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled or owned by a person or a group of owners acting jointly in accordance with the requirements of this chapter.

D. TCMU Bufferyard & Development Standards

(a) In order to comply with the objectives of creating a harmonious TCMU while considering the concerns of the surrounding property the allowance of sufficient buffering along the District is required as per the Bufferyard Standards described in Section 8.05.

(b) The type of residential development and the residential density shall be as established in the approved preliminary and final development plan, provided that the gross density shall not be less than 4.0 dwellings per acre or be greater than 6 dwellings per acre. The maximum density shall be determined by including the open space and private streets that are part of the residential development area.

(c) Land area allocated to nonresidential uses and buildings as listed in Table 7.03B shall not be less than 50% of the land area within the development. The land area of any off-street parking shall be considered as part of the land area of the use for which the parking is being provided.

(d) The floor area of the first floor of any single retail store located in the TCMU may not exceed 40,000 square feet unless the Zoning Commission and the Trustees determine that a larger floor area for a specific single retail store is located, designed and arranged in a manner that is fully consistent with the purposes, intent and design criteria in this chapter.

<i>SCHEDULE 7.13.01 Minimum Development Size per Development Type</i>	
<i>Use</i>	<i>Minimum % of Total Area</i>
Open Space	20%
Nonresidential Uses	50%

E. TCMU Building Widths

Building widths are measured as the width of the building at the building front line as a percent of the lot width.

(a) Buildings in nonresidential areas on the internal main streets in the TCMU District shall be designed to replicate a traditional main street. A "traditional main street" is characterized with buildings sited closer to the street and to each other with landscaping along the frontage; parking behind buildings; and location of publicly accessible plazas and pedestrian amenities to integrate and create a space that is aesthetically pleasing and pedestrian friendly.

F. Schedule Of Yards And Setbacks

(a) In a TCMU, all buildings shall be located on a lot in a manner that maintains the front, side and rear yards and setbacks as set forth in Schedule 7.13.07.

SCHEDULE 7.13.07 Building and Parking Setback Requirements (excluding Royalton Road (SR 82) and East River Road (SR 252))

	<i>TCMU</i>
A. Building	(feet)
1. Front setback from the street ROW of a street existing at the time of adoption	
a. Minimum	10*
b. Maximum	25
2. Front setback from new internal street	
a. Minimum	10
b. Maximum	25
3. Side setback	
a. From single-family residential zoning district property line	50 a
b. From non residential zoning district property	10
4. Rear setback	
a. From single-family residential zoning district property line	50 a
b. From non-single-family residential zoning district property line	10

B. Parking	
1. From ROW of a street existing at the time of adoption	
a. Minimum	10
b. Maximum	@ building line
2. From new internal street	10
3. From rear or side lot line of adjacent single-family zoning district (b)	20
4. From rear or side lot line of adjacent non-single-family zoning district	5

* This setback would apply to the new rights-of-way lines when established

(a) Or two times the building height, whichever is greater

(b) Area between the parking setback and the adjacent property line can only be used for landscaping and buffering pursuant to the requirements of this chapter

G. TCMU Required Open Space

In the TCMU District, public or private open space shall not be less than 20% of the gross area of the District. "Open space" shall be defined as land unoccupied by buildings, hard surface paving, including driveways, streets and parking areas. "Open space" includes pedestrian walks, or areas planted with grass, ground cover, landscape material, trees or natural vegetation, parks located in the median of boulevards within the development. Open space may be used for retail kiosks, entertainment and public art. Retention/Detention ponds are not considered part of "Open Space".

H. TCMU Building Heights

Principal buildings that are comprised of retail/office uses, or mixed-use (retail/office/residential) shall have height characteristics set forth as number of stories in Schedule 7.13.09.

<i>SCHEDULE 7.13.09 Building Heights</i>	
	<i>TCMU</i>
Minimum	-
Maximum	2

I.TCMU Dwelling Unit And Resident Unit Area Requirements

The minimum area of dwelling units shall comply with the requirements set forth in Table 8.03-B. The maximum area of dwelling units shall not exceed 2,000 square feet.

J. TCMU Parking Facilities

Parking and driveways shall be permitted as an accessory use and regulated herein.

- (a) The parking required in a TCMU may be provided in surface parking lots.
- (b) Parking for residential uses shall be provided at a rate of 2-1/4 spaces per dwelling unit.
- (c) The required parking for retail and offices shall be 4 spaces per 1,000 square feet of floor area and 3 spaces per 1,000 square feet of floor area respectively.
- (d) Notwithstanding the requirements set forth in this division (d), for a proposed development in the TCMU, the Zoning Commission may modify the parking required, and in such a case shall determine the amount of parking needed, taking into account the hours of operation of uses, the overlap in parking demand by different adjacent uses and the types of uses proposed.
- (e) Shared Parking
 - (1) Shared parking is allowed between two or more uses to satisfy all or a portion of the minimum off-street parking requirements in TCMU.
 - (2) Shared parking is permitted between different categories of uses or uses with different hours of operation.

(3) A use for which an application is being made for shared parking shall be located within [800] feet of the parking facility.

(4) The reductions to parking permitted through shared use of parking shall be determined as a percentage of the minimum-parking requirement as modified by the applicant's parking feasibility study.

(5) An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the zoning administrator. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, parking shall be provided as otherwise required by this chapter.

Parking Feasibility Study

(1) Where shared parking arrangements are proposed, the Zoning Commission shall determine the number of parking spaces that may be shared based on a shared parking feasibility study prepared by the applicant for a zoning permit.

(2) A shared parking feasibility study shall:

(a) identify the properties and uses for the study (the study may include properties and uses not the subject of the zoning permit, provided that the applicant obtains a letter of authorization from the property owner or his or her agent);

(b) determine the number of parking spaces that would be required by applying the standard for the uses for all of the properties in subparagraph (2)(a);

(c) determine the peak parking demand for the combined demand of all of the uses for all of the properties in subparagraph (2)(a), above, using standard parking generation rates in sources approved by the planning commission; and

(d) compare the results of subparagraphs(2)(b) and (c), above.

If the Zoning Commission finds that the shared parking feasibility study is consistent with guidelines promulgated pursuant to paragraph (1), above, the Zoning Commission shall use the lesser of the two parking demands calculated in subparagraph (2)(d), above, as the minimum number of parking spaces to be provided for all the properties and uses in the study.

(3) If standard parking generation rates for any of the uses in the study are not available, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking feasibility study assumes use of an existing parking facility, the applicant shall conduct field surveys to determine actual parking accumulation.

(f) On-street and curbside parking is encouraged throughout TCMU District. On-street parking shall be required along Main Streets within TCMU District. A Main Street is defined as a roadway where development fronts the roadway corridor, excluding Royaltown and East River Roads, and single family cluster developments. Further roadway definitions and an illustration of a Main Street typical section is shown in Section 7.13.16(e).

K. TCMU Signs

(a) Individual businesses located within the TCMU shall have signs in accordance with sign criteria set forth in Article 11.

(b) Nonresidential developments proposed in TCMU District shall submit a sign plan along with the proposed development plan which shall have to be approved by the Zoning Commission.

(c) Notwithstanding Article 11, development plans for TCMU may plan for monumental entrances into developments.

L. TCMU Exterior Lighting Standards

(a) Intent and purpose. These exterior lighting requirements are intended, among other purposes to:

(1) Provide lighting systems that enhances vision, minimizes glare and light spillage, promotes energy efficiency, are appropriate for the task

(1) All developments with 10 or more required parking spaces shall provide exterior lighting for all exterior doorways, pedestrian pathways, and vehicular use areas. All developments with fewer than 10 parking spaces shall provide exterior lighting at all exterior doorways.

(2) All exterior lighting shall be designed in a consistent and coordinated manner for the entire site.

(3) No site or sign lighting shall be illuminated in a way that moves, has the appearance of movement, or produces a flashing light effect.

(4) The use of laser light source, searchlights or any similar high intensity light for commercial outdoor advertisement or entertainment is prohibited.

(5) The following are exempt from this section, provided that they have no glare or other detrimental effects on adjoining streets or property owners:

(A) Pedestrian walkway ground lighting;

(B) Single-family cluster or townhome lighting; and

(C) Public street lights.

(c) Site lighting.

The following requirements for various uses and structures are intended to provide reasonable levels of lighting for security and convenience, and to place limits on intensity

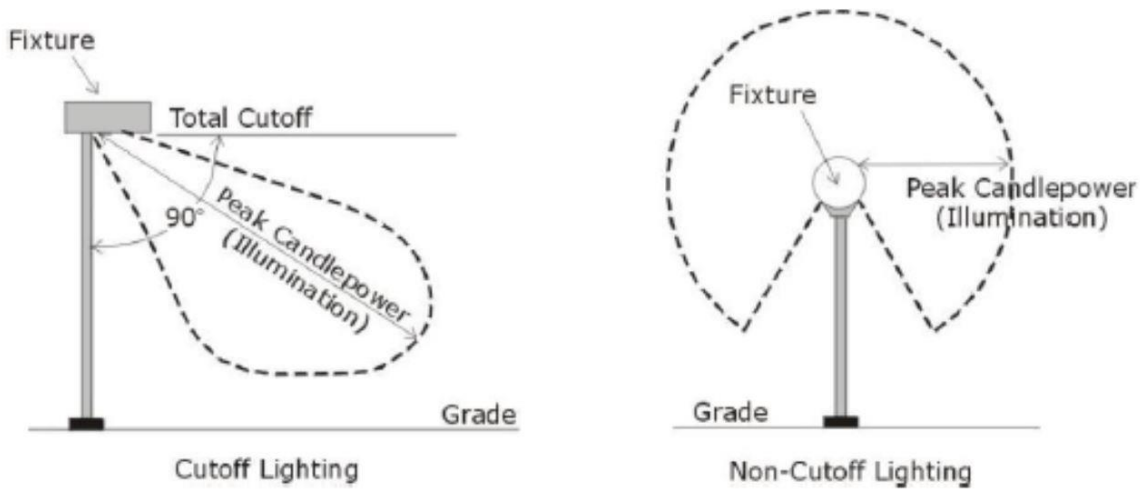
levels to avoid distractions to motorists, minimize nuisance to surrounding properties, decrease the effects of sky glow and avoid the escalation of light levels among competing properties.

(1) Shielding.

(A) Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any residential district or use.

(B) Lighting attached to buildings or other structures shall not permit light to be directed horizontally. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. If the exterior walls of a structure are to be illuminated, the lights must be mounted at the top of the wall and aimed down. Ground or pole-mounted floodlights are not allowed for façade lighting.

(C) All exterior lighting, including but not limited to doorways, architectural, accent, landscape, signs, decorative, security, floodlighting, or area lighting shall be "total cutoff type" or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from offsite. An illustration of "cutoff type" lighting is shown below.



(D) Building perimeter wall lights shall be cutoff type and shall direct the light down. The lamp shall not be visible from normal viewing angles. Exterior emergency lighting shall be provided at all exit doors.

(E) Decorative incandescent lights 100 watts or lower do not require shielding.

(F) Lighting required for emergency egress when operating emergency conditions is exempt from this requirement.

(2) Fixtures.

(A) Fixtures used shall maintain a unified lighting standard, minimize shadows for site safety, and minimize sky glow.

(B) Except as otherwise provided below, light fixtures shall be no higher than 20 feet (measured from the ground to the top of the fixture) and shall be provided with light cut-off fixtures that direct light downward.

(C) For parking lots serving a single building or groups of related commercial, retail, or office buildings in excess of 500 spaces, light fixtures may be permitted up to a maximum height of 35 feet when the poles are at least 150 feet from a residentially used or zoned site.

(3) Lamps and lighting trespass.

(A) Pole-mounted lights shall use not greater than 250 watt lamps at mounting heights of 20 feet and below, 400 watt lamps at 35 feet mounting height. One thousand watt lamps shall not be used.

(4) Pedestrian and landscape lighting.

(A) Decorative "streetscape" luminaires, not higher than 18 feet may be used for pedestrian and roadway illumination provided luminaires with cutoff optics are used. Normal lamp wattage shall be 100 watts, not to exceed 175 watts. Multiple luminaires may be mounted on a common pole to achieve higher light levels where required.

M. TCMU Land Planning Principles

The following planning guidelines are established to guide the planning, development and use of the land in a TCMU District.

(a) Buildings shall be located near the street.

(b) Sites shall have a landscaped area along the front property lines with sidewalks connecting to adjacent parcels and coordinated site elements i.e., paving, lighting fixtures, outdoor seating, canopied trees, pedestrian gathering areas, signage and landscaping that is cohesive with a rural-themed architecture of the existing structures and that of a traditional town center.

(c) New nonresidential developments in TCMU District shall be designed to:

(1) Maximize building design relationship to existing or new development on existing street frontage.

(2) Concentrate the new buildings along a newly constructed main street (whether public or private).

(3) Have a strong building massing and pedestrian connections with adjacent residential development.

(d) The vehicular and pedestrian circulation system and parking facilities shall be designed to provide safe movement throughout the district. Parking areas shall be limited in size, enclosed and/or screened so as not to dominate the areas between buildings. Driveways for group

developments and local streets shall be connected to major streets at limited locations where traffic can be controlled and operated efficiently with minimum interference to existing streets.

N. TCMU Design Guidelines

(a) In compliance with the principles set forth in Section 7.13.14, the plan may include a variety of building arrangements i.e. bulk and shape of the buildings, open space and landscape features. The buildings may be arranged in various groups, courts or clusters with open spaces related to the buildings so as to provide privacy and form a unified composition of buildings and open spaces. While flexibility in design is encouraged, the following design guidelines shall be incorporated in the final development plans:

(1) The adjoining properties shall be protected from loss of light and air because of the proximity or location of buildings. Buffering shall have maximum capacity with a minimum height of six feet at the time of installation. Such buffer, approved as part of the development plan, may include: fencing, walls, mounds, vegetation (existing or new) or any of these combinations. See specific bufferyard requirements in Section 8.05.

(2) Parking areas and spacing of garage doors shall be designed to lessen the visual impact and limit the concentration of blank walls, garage doors and large paved areas.

(3) Landscaped areas, screen walls, decorative fences, earthen mounds, hedges, mature trees and other landscape features shall be used throughout the district to separate uses and buildings within the district from areas outside the district. Existing wooded areas shall be preserved where possible. Screening of roof mounted HVAC units is required.

(b) Mixed use development shall be pedestrian-oriented with first floor retail storefronts, curbside parking where appropriate, pedestrian plazas, and shall include other features such as decorative street furniture, landscaped streets and walks, weather-protected walkways, outdoor seating, decorative pavement to indicate pedestrian areas and crosswalks, traffic calming measures, and signage that is compatible with the building architecture and pedestrian scale.

(1) Outdoor Dining Regulations

Outdoor dining is a conditionally permitted use and must comply with the following regulations:

1) The facility shall only be used in conjunction with, and under the same management and exclusive control of, a restaurant located on the same or contiguous property.

2) The use shall not interfere with the flow of pedestrian traffic. The approving authority shall determine to what extent, if any, such use may encroach upon the public dedicated and improved street of record, provided that an unobstructed walkway of a width specified in the conditional use approval is reserved for public passage. In no case shall the unobstructed walkway be less than six feet in width.

3) Before a conditional use permit is granted for the use, it shall be determined that the facility will not create an undue parking shortage within the district.

4) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit. Zoning Commission approval shall be required only for fencing that is temporarily or permanently affixed to the ground or floor of the outdoor dining area.

(c) Street Tree Planting Requirements.

The planting of street trees shall be required at the time a parcel is developed or redeveloped and final landscape grade is completed in the TCMU District, and in accordance with the following regulations.

(1) All developers shall plant trees along public streets of their developments in such a manner, type, quantity and location as set forth below. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

A. The maximum spacing between trees shall be fifty feet.

B. The tree location shall be at least thirty feet from an existing stop sign or from the standard location of a stop sign at street intersections and ten feet from fire hydrants and utility poles.

C. A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A medium tree shall be used when planting within twenty lateral feet of overhead utility wires.

D. The developers shall be required to maintain the trees for two years after the trees are planted and to replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such two-year period. A two-year guarantee period shall begin at each planting and shall recommence as trees are replaced. Upon completion of a street tree planting, the landscape contractor shall contact the Township Zoning Inspector for a preliminary inspection. The guarantee period shall begin after the approval of the Township Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township's inspection, shall promptly be replaced at the expense of the developer.

(d) Walls of nonresidential buildings shall comply with the following:

(1) When the wall of a retail or mixed use building faces a public dedicated and improved street of record, or parking area, or is within 45 degrees of facing a public dedicated and improved street of record, a minimum of 50% of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20% of such windows may be opaque.

(2) Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm and visual interest is created.

(3) Walls that meet the following criteria shall be exempt from the requirements of division (c)(2) of this section:

A. Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings; or

B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(e) Canopies and/or awnings may project from a building face and may extend or be within one foot of the back of a curb. Open arcades providing cover over sidewalks in front of buildings may extend to within five feet of a street curb.

(f) Buildings in the district and those constructed in phases shall be harmonious in design, exterior materials and color so as to provide a coordinated rural-themed architectural design for the development area.

O. TCMU Site Development Criteria

The following design standards shall apply to all development in the district:

(a) Developments shall be designed to utilize the natural contours of the land, economize in the construction of utilities, reduce the amount of grading, and to maximize the conservation of trees and topsoil.

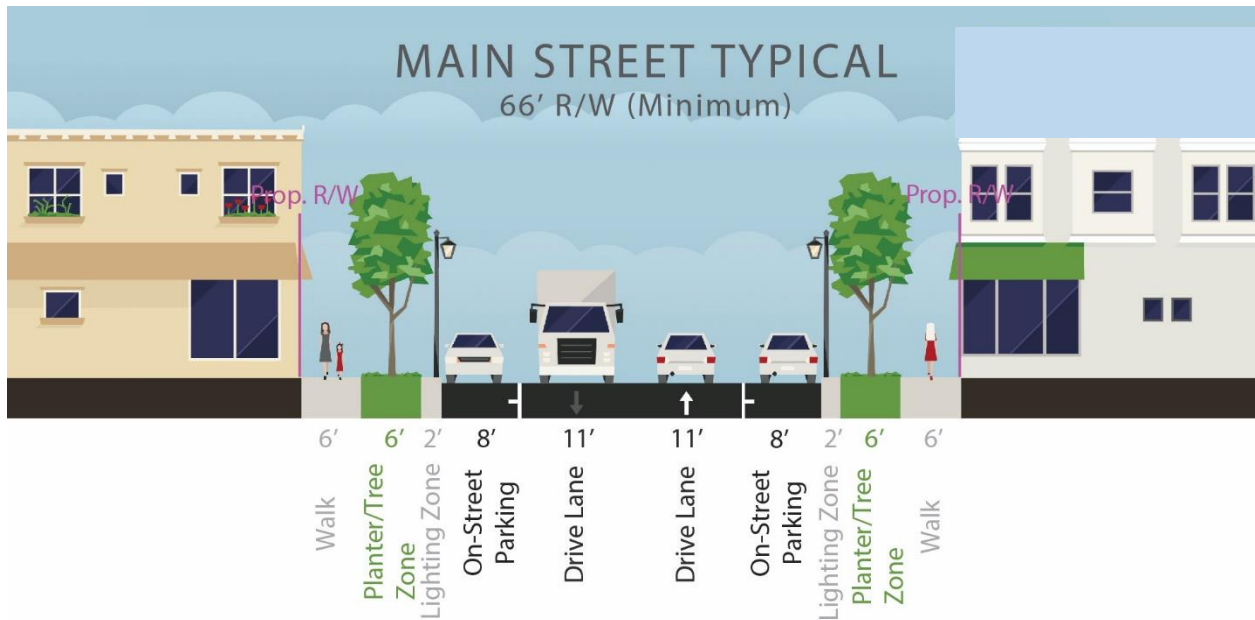
(b) Developers are encouraged to utilize innovative stormwater management approaches including permeable pavement, bioswales, and/or rain gardens where appropriate. Retention basins, if required, can also be used and shall be designed to be an integral part of the development and as an amenity to the residents. Depths of basins shall be shallow and side slopes of such basins shall be less than 3 to 1. The borders of retention basins shall have natural or curvilinear shapes and shall be planted with grass and trees to blend in with the landscape features of the development.

(c) In the planning of single-family cluster developments, land should be provided for private outdoor use of the occupants at such locations as entrances or garden sides of the dwellings.

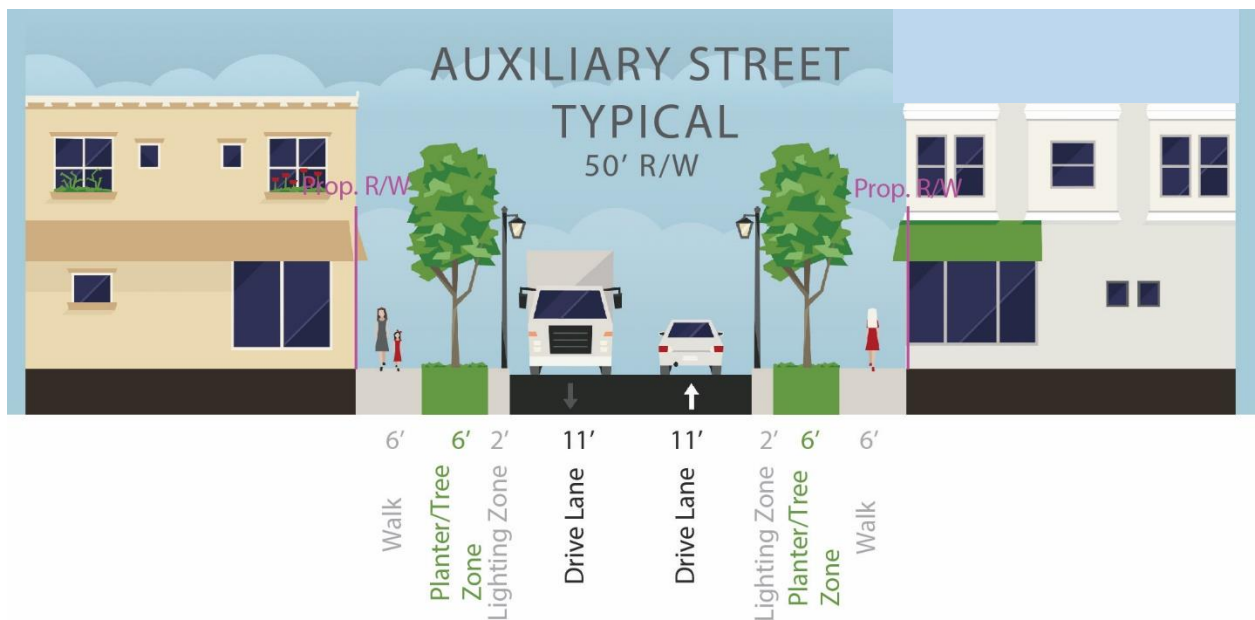
(d) The common land shall be readily accessible and of such shape and size to be usable for recreation, open space and landscaping. The integrity of the common open space shall be guaranteed from further division and/or use through deed restrictions or covenants. Common lands and required buffering shall be further maintained by the owner or through a homeowners association.

(e) New internal streets constructed as part of a development within TCMU District shall meet the following criteria for Main Streets, Auxiliary Streets, or Alleys.

(1) Main Streets. Main Streets are designed to be the major corridors through a proposed development that link similar developments together or link developments to major external roadways (i.e. East River or Royalton Roads). The front facades of a development shall face Main Streets. Proposed dedicated and improved street of record widths shall range from 66 feet to 80 feet and include space for drive lanes (1 lane in each direction), on-street parking, lighting zone, planter/tree zone, and sidewalks. A Main Street typical section is shown below.



(2) Auxiliary Streets. Auxiliary streets are secondary roads within a development that link Main Streets and alleys together. These streets are smaller in scale and shall have a 50 foot dedicated and improved street of record width. On-street parking along Auxiliary streets is not required. Auxiliary streets shall consist of drive lanes (1 in each direction), lighting zone, planter/tree zone, and sidewalks. An Auxiliary Street typical section is shown below.



(3) Alleys. Alleys are designed for loading and access to the rear or side of buildings. An alley typical section shall be 40 feet wide and consist of drive lanes (1 in each direction), lighting zone, and sidewalks. An Alley typical section is shown below.



(e) Any streets serving more than 100 dwellings, dwellings of different types or nonresidential uses shall be dedicated public streets. Private street pavements shall be constructed to County standards for public streets unless a different standard is approved by Zoning Commission. All private streets shall be within an easement granted to the Township for access. All private streets shall be owned and maintained by the landowner or home-owners association.

(f) Parking lots shall be screened from adjacent residential uses and public streets with dense evergreen hedges or trees and/or earthen mounds or other effective screening as approved by the Zoning Commission.

(g) All roofed surfaces shall be provided gutters and downspouts connected to an approved storm system.

(h) All driveways and parking areas shall be designed and constructed with positive drainage with catch basins.

(i) All driveways and parking areas serving more than four dwelling units shall have concrete rolled or barrier curbs defining the limits of the paved areas. Sidewalks shall be provided to all dwelling units connecting the dwelling to the required parking spaces and to the public streets.

(j) Trash storage containers shall be enclosed with a six-foot high masonry wall on three sides with a closable door. Trash enclosures shall be screened with landscaping, located not less than six feet from any frame building and provided a concrete pad and apron adequate to support collection vehicles.

(k) Commercial/retail development must be completed ahead of, or concurrent with, any residential development within the TCMU district.

P. TCMU Preliminary Development Plan

A preliminary development plan shall be required for all development in TCMU District. The preliminary development plan required in this chapter shall contain the following information:

- (a) Survey or engineering drawing of the development area to be developed;
- (b) Permanent parcels including parcel numbers and dimensions of all parcels or portions contained in the proposed district;
- (c) Location and number of dwellings by dwelling type in each area, acreage of each area and densities in each area of the district;
- (d) A site plan depicting location, arrangement of all proposed nonresidential buildings and related parking;
- (e) Preliminary building design;
- (f) Preliminary site landscaping and site amenities plan. Site amenities included walkways, plazas, "street furniture" and lighting;
- (g) Location of existing and proposed public roads, private streets, parking and circulation;
- (h) Minimum peripheral setbacks around the perimeter of the district;
- (i) Plans and/or cross-sections depicting how the buffering and screening requirements of this chapter will be satisfied;
- (j) Location of all existing structures on the property which is subject of the application and any structures within 100 feet of the boundary of the proposed application;
- (k) The plan shall include a documentation that phases of construction for nonresidential development will occur in a manner that rationally expands the TCMU character that is consistent with the goals of the Comprehensive Plan and does not result in isolated fragments;
- (l) Location, type and size of any easements, covenants, deed restrictions or other restrictions proposed or recorded;
- (m) Such other relevant information as the Zoning Commission may require.

Q. TCMU Final Development Plan

(a) A final development plan for TCMU District developments shall be submitted and approved prior to the application of building permits. The final development plan may be phased for portions of the development area within the preliminary development plan approved by The Township Trustees. Each phase of development shall contain all necessary improvements to support that phase including but not limited to: utilities, retention, access, fire protection, parking, lighting, landscaping, buffering and required trees. Each phase shall also comply with all other County regulations and codes.

(b) In the TCMU District, the applicant shall also prepare and submit for approval by the Zoning Commission, a Design Manual to establish the rural-themed architectural design specifications and general design guidelines for the entire TCMU proposed. The Design Manual shall include, but not be limited to, and shall provide examples of, rural-themed architectural style of buildings, design features, exterior finish materials of buildings, basic design of streets, street furniture and fixtures, lighting specifications, general landscaping design, sidewalk and pedestrian plaza design criteria and other design elements of the development.

R. TCMU Conflicts

In the event of a conflict between the provisions contained in this chapter and other provisions contained in these Codified Ordinances, the provisions and regulations contained in this chapter shall govern.

Article 8: Official Schedule of District Regulations

Section 8.01: Compliance with Regulations

The regulations for each district set forth by the Official Schedule of District Regulations shall constitute minimum regulations and shall be applied uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. 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.
- B. No building or other structure shall be erected or altered:
 - i. to provide for greater height or bulk;
 - ii. to accommodate or house a greater number of families;
 - iii. to occupy a greater percentage of lot area; or
 - iv. 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.
- C. 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.

Section 8.02: 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, cell towers, 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.

Section 8.03: Official Schedule of District Regulations Adopted

District regulations and lot requirements shall be as set forth in Tables 8.03-A and 8.03-B (below), and are hereby declared to be a part of this Resolution.

Table 8.03-A

DISTRICT	MIN. LOT AREA	MIN. LOT FRONTAGE (a)	MIN. SETBACK	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT	MAX. % LOT COVERAGE
PERMITTED USES							
R-1A (RESIDENTIAL)		50'	30' (c)	10' & 6'	10' (2)	30' (e)	(f)
R-1 (RESIDENTIAL)	½ ACRE	100'	50' (b)	15'	30' (2)	30' (e)	(f)
R-2 (RESIDENTIAL)	1 ACRE	125'	100' (c)	15'	50' (2)	30' (e)	(f)
R-3 (RESIDENTIAL)	2 ACRES	200'	100' (c)	20'	50' (2)	30' (e)	(f)
R-PUD (RESIDENTIAL)	PER ARTICLE 15						
NC (NEIGHBORHOOD COMMERCIAL)	1 ACRE	125'	100' (d)	15' (e)	25' (e)	35'	30%
LI (LIGHT INDUSTRIAL)	2 ACRES	200'	100' (d)	25' (e)	25' (e)	50'	
TCMU (TOWN CENTER MIXED USE)	PER SECTION 7.13						
REC (RECREATIONAL)	5 ACRES	125'	100'	100'	100'	35'	10%

Notes:

- a) On corner lots the setback from the non-facing street dedicated and improved street of record line shall be fifteen (15) feet.
- b) On corner lots the setback from the non-facing street dedicated and improved street of record line shall be fifty (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 R-2 Medium Density Residential District or R-1 or R-1a High Density Residential District. An accessory building shall not exceed twenty (20) feet in the R-3 Low Density Residential Districts. However, an accessory building which is within R-3 District is fifty (50) feet from both side and rear lot lines or is at least sixty five (65) feet from any building on any adjacent properties 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.

Table 8.03-B

		STORY			LEVEL	
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 TOTAL LIVING AREA	1240	1160 1160	1000 1240	1000 1240	1160 1240
RI	FIRST FLOOR LIVING AREA TOTAL LIVING AREA	1140	1060 1060	900 1140	900 1140	1060 1140
R2	FIRST FLOOR LIVING AREA TOTAL LIVING AREA	1240	1160 1160	1000 1240	1000 1240	1160 1240
R3	FIRST FLOOR LIVING AREA TOTAL LIVING AREA	1240	1160 1160	1000 1240	1000 1240	1160 1240

Section 8.04: Additional District Regulations

- A. 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 9.12.
- B. All lot acreage and lot setbacks are measured from the road dedicated and improved street of record lines.
- C. 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.
- D. On lots with more than seventy-five percent (75%) of the frontage on the bulb portion of any new cul-de-sac in the R-2 Medium Density Residential District, the frontage shall be measured either on the curve twenty (20) feet from the edge of the road surface or at the road dedicated and improved street of record whichever is closer to the road surface. This frontage

can be as little as one hundred twenty-five (125) feet, provided that at the building line, the lot width is at least two hundred (200) feet.

- E. Trailers, mobile motor homes, shipping containers, and any other objects originally designed for over the road transportation or shipping of goods may not be used as accessory buildings.

- F. In the R-3 Low Density Residential and R-2 Medium Density Residential Districts, an accessory building must have a minimum rear yard setback clearance of fifteen (15) feet and in the R-1 High Density Residential District an accessory building must have a minimum rear yard setback clearance of six (6) feet.

Section 8.05: Bufferyards

Bufferyards shall be required as set forth in Table 8.05 around the boundary of all new developments to separate adjacent incompatible land uses and screen and soften the detrimental impacts of incompatible uses upon one another and upon the surrounding property line. Boundary bufferyards may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression, or other nuisance related purpose.

Table 8.05

	<i>Single-Family R-3 Low Density Residential Land Use</i>	<i>Single-Family High Density or R-2 Medium Density Residential Land Use</i>	<i>Institutional or Recreational Land Use</i>	<i>Commercial Retail or Office Land Use</i>	<i>Town Center Mixed-Use Land Use</i>	<i>Light Industrial Land Use</i>
Single- Family R-3 Low Density Residential Land Use	N/A	A	B	C	C	C
Single- Family High Density or R-2 Medium Density Residential Land Use		N/A	B	C	C	C

Institutional or Recreational Land Use			N/A	B	C	C
Commercial Retail or Office Land Use				A	A	B
Town Center Mixed-Use Land Use					A	A
Light Industrial Land Use						A

Section 8.06: Bufferyard Type Requirements

The type and extent of bufferyard plantings or screening shall be a function of the degree of potential incompatibility of the adjacent land uses as set forth in Table 1 above.

- A. Bufferyard A–Minor: Minimum bufferyard width ten feet.
- B. Bufferyard B–Moderate: Minimum bufferyard width fifteen feet.
- C. Bufferyard C–Substantial: Minimum bufferyard width twenty-five feet.

Section 8.07: General Bufferyard Standards

A. **Responsibility for installation of buffer.** Boundary buffer areas shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant, or otherwise (hereinafter referred to as “owner”).

B. **Location.** Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness.

C. **Structures within required buffer.** No structure shall be permitted within a required buffer other than a wall, fence, or earth berm. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

D. **Level of bufferyard required.**

- i. The bufferyards described within this section depict the total bufferyard required to be erected by the higher intensity use when it is being located next to the same or lower intensity use.

- ii. When a use is proposed to be developed adjacent to a higher intensity use existing as of the effective date of this Code, it shall be required to plant a minimum Level B Bufferyard.
- iii. The land use class of a vacant adjoining parcel shall be classified as the lowest intensity use permitted in the existing zone district.

E. **Hierarchy of land use intensities.**

For purposes of this section, the following is a listing of land uses from highest intensity A. to lowest intensity F.:

- A. Light Industrial.
- B. Town Center Mixed-Use.
- C. Commercial retail/office.
- D. Institutional/Recreational
- E. R-1 or R-1a High Density or R-2 Medium Density Single-family residential.
- F. R-3 Low Density Single-family residential.

F. **Adjacent parcels.**

When adjacent parcels are being developed, the required buffer shall be placed on each parcel being developed.

G. **Bufferyard establishment.**

Once a bufferyard has been approved by the Zoning Commission and established by the owner, it may not be used, disturbed, or altered for any purpose.

Section 8.08: Determination of Bufferyard Type

The determination of the appropriate type of bufferyard required between two adjacent parcels is made by the following procedure:

- A. Identify the land use of the proposed development property; and
- B. Identify the adjacent land use(s).

Section 8.09: Bufferyard Increases Based on Height

When a non-residential or mixed-use building is developed adjacent to an existing residential use or residential lot, the required boundary bufferyard between the non-residential or mixed-use development and the residential use shall be increased according to the following table:

When the Height of the Nonresidential Use Is:	The Required Boundary Bufferyard Type Shall Be:
35 Feet or Less	As Shown in Table 8.05 Above
35 Feet or More	One Level Higher Than the Type Shown in Table 8.05 Above. (e.g., if Table 8.05 shows Bufferyard B, Bufferyard C shall be established).
35 Feet or More, But Building is Set Back At Least 300 Feet from Lot Line Adjoining the Residential Use	As shown in Table 8.05 Above

Section 8.10: Bufferyard Landscaping and Plantings

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

A. **Natural Planting Requirements.** Where natural plantings are used to provide a landscape buffer, such plantings shall provide eighty percent summer opacity and sixty percent winter opacity when viewed from two to ten feet above ground level.

B. **Buffering Effect.** The desired buffering effect shall be achieved not later than twelve months after the initial installation. The Zoning Commission may extend this period of time when a hardship would be created because of expected growth or material shortages, but the Commission shall not extend such period beyond two growing seasons from the time the initial installation was to have been or has been installed.

Section 8.11: Bufferyard Fences and Earth Berms

Bufferyards B, and C include the optional use of fences or earth berms as part of the bufferyard requirements. For all Bufferyards A- C, where the minimum bufferyard distance width is being met, if a four to six foot earth berm or a four to six foot fence or wall is installed as part of the bufferyard, then the required bufferyard plant material may be reduced by no more than fifteen percent. All earth berms shall be constructed with a top layer of topsoil to a minimum depth of four inches.

Article 9: General Regulations

Section 9.01: Purpose

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

Section 9.02: Access Drives

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

Section 9.03: Temporary Structures

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 Zoning Inspector.

Section 9.04: Trailers and Mobile/Motor Homes

Occupied trailers and 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:

- A. Application is filed with the Zoning Inspector by the property resident or dweller within seventy-two (72) hours after the arrival on the property.
- B. 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.

Section 9.05: 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.

Section 9.06: Fence and Wall Restrictions in Front Yards

- A. In any required front yard, no fence, hedge wall, or trees shall be permitted in the road dedicated and improved street of record.
- B. Fences in front yards shall be no taller than four feet above natural grade.

- C. Anti-climb fencing with or without barbed or razor wire is only permitted in the LI district and only in rear and side yards.
- D. No fencing shall exceed 6 ft in residential district and 8 ft in commercial and industrial districts.

Section 9.07: 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.

Section 9.08: 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, 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.

Section 9.09: 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.

Section 9.10: Disposal of Waste Materials

The following uses shall be deemed to constitute a nuisance and shall not be permitted in the Township:

- A. The dumping, storing, disposing, or using for landfill, of solid wastes, hazardous wastes, garbage, refuse, industrial ash, tires, rubbish, or demolition materials. Provided further, however, 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.

- B. 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.
- C. 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.

Section 9.11: Swimming Pools

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

- A. The swimming pool shall be located on a lot which has a residential dwelling as its main use;
- B. The setback from the road dedicated and improved street of record, and the side lot line and rear lot line clearances, shall be the same minimums as the lot requirements in the respective district;
- C. All pumping and filtration equipment shall be located so as not to exceed the yard requirements as set forth in each district;
- D. 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.
- E. All state and county health regulations shall be met.

Section 9.12: 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: Newly constructed or altered ponds, lakes and other open reservoirs for containing water shall 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 dedicated and improved street of record.

2. A pond must be designed by a registered civil engineer and registered landscape architect to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
3. Industrial and commercial sites will need to obtain engineering service from private engineers.
4. 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).
5. 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.
6. Erosion: The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.
7. 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) feet to one (1) foot.
8. 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.
9. 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.
10. 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.
11. 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.

12. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
13. Public utility requirements must be adhered to regarding both underground and overhead utilities.
14. New property lines created from property splits may be close to or run through existing ponds and lakes.
15. 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.

Section 9.13: 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:

- A. “Person” as used within this section shall mean any natural person, general partnership, limited partnership, corporation, firm or common enterprise; and “Drilling Operation” shall mean each and every well that is drilled, reopened, or plugged back or drilled for the disposal of waste.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. Access routes shall be established by the Trustees for ingress and egress to the drilling site.
- G. Primary consideration shall be given to the route or routes which will minimize wear and tear on township roads.
- H. Entrances to and exits from the drilling site shall be at points which will minimize traffic congestion and hazard.
- I. 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.
- J. The maximum width of driveways shall be twenty-four (24) feet.
- K. A suitable size culvert pipe, as specified by the Trustees shall be placed in any culvert, trench, or ditch under the supervision of the Service Director over which the driveway or driveways will be placed.
- L. 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.

- M. 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 Service Director.
- N. There shall be absolutely no on-street parking. One off-street parking space shall be provided for each worker at the site.
- O. 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.
- P. 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.
- Q. 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.
- R. 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.
- S. 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.
- T. 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:
 - i. In the case of a corporation, its statutory agent and the managing officers.

- ii. In the case of a general or limited partnership, each of the managing partners.
 - iii. In the case of any other firm or common enterprise, each individual associated therein.
 - iv. 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.
- U. 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 Service Director for each and every well.
- V. All storage tanks shall be painted and other equipment that remains at the drilling site shall be screened by providing:
- i. An opaque wall;
 - ii. A uniformly painted fence; or
 - iii. 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.
- W. The location of any abandoned gas or oil well shall be reported to the Township Trustees in writing within thirty (30) days.
- X. Notice must be given to the Township Trustees no later than ten (10) days prior to the commencement of drilling operations.

- Y. 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:
 - i. The drilling operation shall be conducted pursuant to the Health and Safety Standard of the Township.
 - ii. The Trustees have been furnished with all information required hereunder.
 - iii. All consents required hereunder 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.
 - iv. 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.
- Z. A copy of State Drilling Permits shall be submitted at the time the Certificate of Compliance is filed.
- AA. 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.
- BB. 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.

Section 9.14: 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.

Section 9.15: Flood Plain

For the purpose of protecting the public health, comfort and welfare, and to encourage the establishment of recreational facilities, the Flood Plain 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. A map of the geographic boundaries of the floodplain are attached as a Schedule hereto.

Official Columbia Township Zoning Map

Columbia Township, Lorain County, Ohio

GIS Map Drawn: 06/2024



Zoning Map Adopted: _____




Chair, Columbia Township Trustees

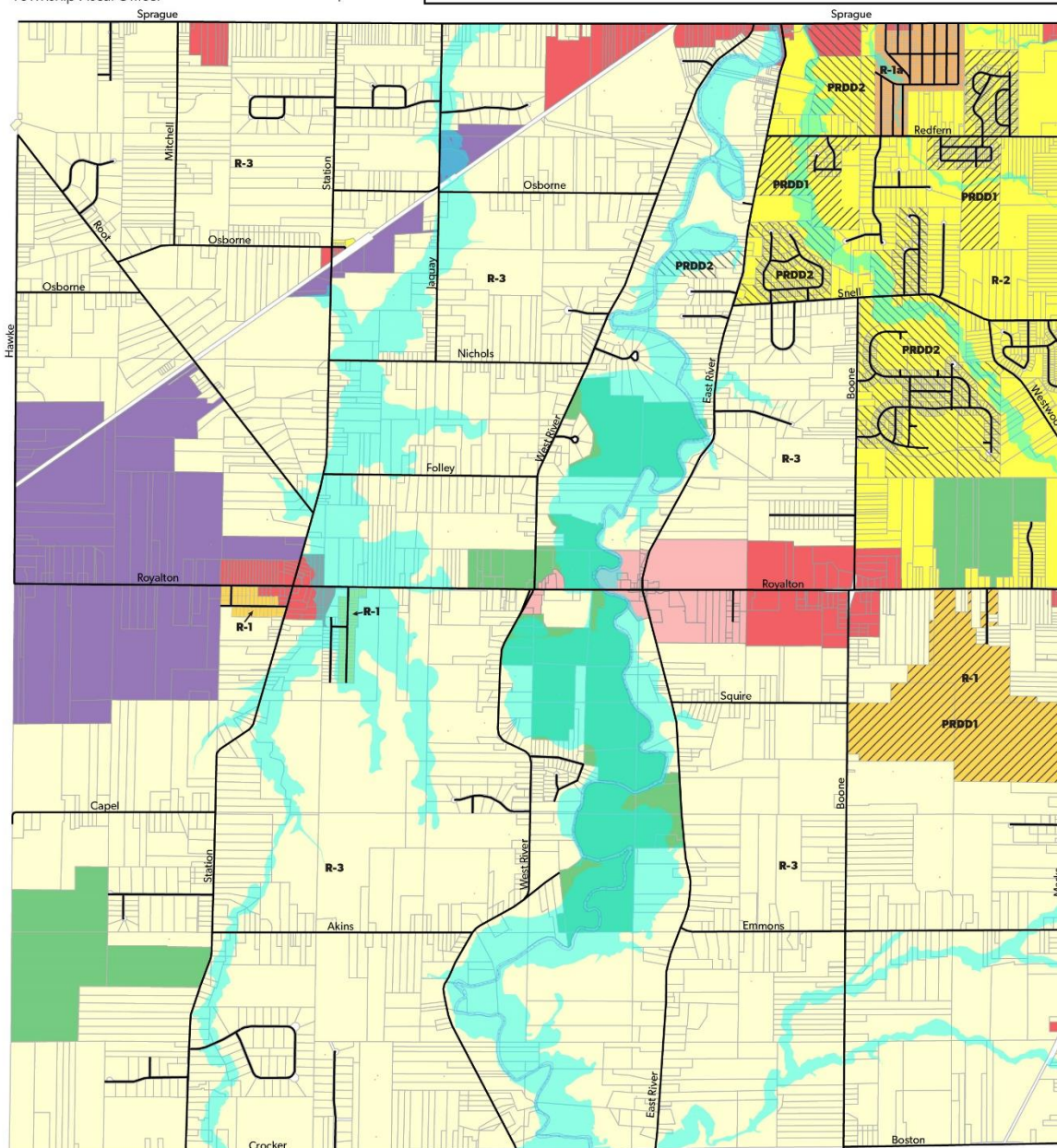
Township Trustee

Township Trustee

Township Fiscal Officer

100-Year
Floodplain

Zoning Districts			
	R-1a High Density Residential		Town Center Mixed Use
	R-1 High Density Residential		Light Industrial
	R-2 Medium Density Residential		Recreational
	R-3 Low Density Residential		PRDD1
	Neighborhood Commercial		PRDD2



Article 10: Off-Street Parking and Loading

Section 10.01: 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.

Section 10.02: Special Provisions for Residential Uses

Other than Sections 10.01 and 10.02, the provisions of Article 10 shall not apply to residential uses.

- A. Residences shall have two (2) parking spaces for each dwelling unit.
- B. Parking spaces for all residential uses shall be located on the same lot as the use which they are intended to serve.
- C. In all districts other than R-1 High Density Residential District, no driveway for residential use shall be closer than five (5) feet to any lot line. In the R-1 High Density Residential District, no driveway for residential use shall be closer than two (2) feet to any lot line.

Section 10.03: 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.

Section 10.04: 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.

Section 10.05: Paving

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

Section 10.06: 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.

Section 10.07: 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.

Section 10.08: 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.

Section 10.09: Location of Parking Spaces

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

- A. Parking spaces for business uses shall be located not more than three hundred (300) feet distant from said establishment.
- B. 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.

Section 10.10: Screening and Landscaping

Refer to Bufferyard Standards in Section 8.05 for screening and landscaping requirements.

Section 10.11: 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 dedicated and improved street of record. Except for driveways as permitted in Section 10.14, parking lots, loading areas, and areas of vehicular circulation shall be separated from any road dedicated and improved street of record by a bumper block, curbing, or other barrier which prohibits vehicles from entering the road dedicated and improved street of record from other than a legal driveway.

Section 10.12: Bumper Blocks

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

Section 10.13: 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.

Section 10.14: Width of Driveways and Locations

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.

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.

Section 10.15: Access

All parking lots shall be so designed that all vehicles leaving the facility will be traveling forward towards the highway, street, or road dedicated and improved street of record.

Section 10.16: Parking Lot Identification

Parking lot identification shall be as follows:

- A. 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.
- B. 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.

Section 10.17: Commercial Parking Space Requirements

For the purposes of this Resolution, the following commercial parking requirements shall apply:

- A. Service station: one (1) for each gas pump and two (2) for each service bay.
- B. Auto repair garage: one (1) for each gas pump and two (2) for each service bay.
- C. Car wash: ten (10) spaces for each washing land and three (3) employee spaces.
- D. Veterinary hospitals and kennels: one (1) for each four hundred (400) square feet of floor area.
- E. Funeral parlors, mortuaries, and similar uses: one (1) for each fifty (50) square feet of floor area.
- F. Dining rooms, restaurants, taverns, night clubs, and similar uses: one (1) for each two hundred (200) square feet of floor area.
- G. 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.
- H. 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.
- I. Retail stores: one (1) for each two hundred (200) square feet of floor area.
- J. Banks, and similar institutions: one (1) for each two hundred fifty (250) square feet of floor area.
- K. Auditoriums, theaters, and similar uses: one (1) for each three (3) seats.
- L. Dance floors, and skating rinks: one (1) for each fifty (50) square feet of floor area.

- M. 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.
- N. Mini-storage warehouse facility: five (5) spaces regardless of the size of the facility.
- O. Offices: one (1) for each two hundred (200) square feet of floor area.
- P. Other business uses: one (1) for each one hundred (100) square feet of floor area.

Section 10.18: Institutional Parking Space Requirements

For the purposes of this Resolution, the following institutional parking requirements shall apply:

- A. Churches and similar uses: one (1) for each three (3) seats.
- B. Hospital: one (1) for each bed.
- C. Rest homes: one (1) for each bed.
- D. Medical and dental clinics: one (1) for each one hundred (100) square feet of floor area.
- E. Elementary and junior high schools: two (2) for each classroom, and one (1) for every eight (8) seats in auditoriums or assembly halls.
- F. 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.

Section 10.19: Light Industrial Parking Space Requirements

For the purposes of this Resolution, the following light industrial parking requirements shall apply:

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

Section 10.20: Recreational Parking Space Requirements

For the purposes of this Resolution, the following recreational parking requirements shall apply:

- A. Golf clubhouses: ten (10) spaces per hole and one (1) space for each thirty-five (35) square feet of public assembly.
- B. Swimming parks: one (1) space for each two hundred fifty (250) square feet of beach area.

- C. Pavilions: one (1) space for each three (3) seats.
- D. All other clubhouses: one space for each one hundred (100) square feet of floor area.

Section 10.21: General Interpretation of Parking Regulations

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

- A. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals;
- B. Fractional numbers shall be increased to the next whole number; and
- C. 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.

Article 11: Signs

Section 11.01: Purpose

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 dedicated and improved street of records; and to curb the deterioration of the natural environment.

Section 11.02: 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.

Section 11.03: Governmental Signs Excluded

For the purposes 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.

Section 11.04: General Requirements

- A. 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.
- B. 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.
- C. 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.

- D. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit.
- E. 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.
- F. 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.
- G. 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.
- H. No advertising sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
- I. 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.
- J. 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.
- K. 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.

Section 11.05: 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.

Section 11.06: Permitted Signs Not Requiring Permit

The following signs are permitted in all zoning districts and do not require a permit:

- A. 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.
- B. Signs denoting the name and address of the occupants of the premises, provided such signs do not exceed four (4) square feet in area.
- C. Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area.
- D. 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 dedicated and improved street of record, 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.

Section 11.07: Permitted Residential Signs Requiring Permit

After obtaining approval, 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.

Section 11.08: 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 (2) square feet in area for each linear foot of such tenant's building frontage.

Section 11.09: 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.

- A. The height of the sign or signs shall not exceed ten (10) feet.
- B. 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 the Recreation

District, the area of the sign, or the combined area of two signs, shall not exceed fifty (50) square feet.

- C. No sign shall be located closer than twenty (20) feet from any adjoining lot line.
- D. 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 dedicated and improved street of record.
- E. The sign or signs shall not be located in the road dedicated and improved street of record, but may be located at the road dedicated and improved street of record.
- F. 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 dedicated and improved street of records and which proceed, parallel to each of the roads, for a distance of twenty (20) feet.

Section 11.10: Temporary Signs

Temporary signs not to exceed thirty-two (32) square feet in area shall be permitted at, but not in, the highway dedicated and improved street of record. 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.

Section 11.11: Directional Signs

One or more directional signs are permitted on private property. Such signs may be located at, but not in, the dedicated and improved street of record. The combined area of all directional signs shall not exceed sixteen (16) square feet.

Article 12: Erosion and Drainage Control

Section 12.01: 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:

- A. The construction of all principal buildings;
- B. The construction of accessory buildings when the grade is changed; and
- C. 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 and drainage during and after construction.

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, they should be instructed to report their 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 they have determined that the plan adequately incorporates the requirements of this Article.

Section 12.02: 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.

Section 12.03: Specifications; Seeding

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: March 1 to October 31
- Permanent seeding: April 1 to September 30

Section 12.04: General Site Development Requirements

- A. The smallest area of land practical shall be disturbed and exposed at any one time during development.
- B. Natural ground cover vegetation should be retained, protected, and maintained as much as possible during the construction process.
- C. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- D. 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.

Section 12.05: Soil Stabilization Requirements

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. The cut face of earth excavations, which is to be vegetated, shall not be steeper than two feet horizontal to one foot vertical. 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.

Section 12.06: Drainage and Run-Off Control

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. Current subsurface drains encountered or disturbed shall be reconnected or routed around the construction area if they serve surrounding properties.
- F. 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 dedicated and improved street of record. This only applies to drainage systems that needed to be constructed or improved for the primary purpose of benefiting the development.

Section 12.07: 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.

Article 13: Residential Planned Unit District (R-PUD)

Section 13.01: Purpose

The following Residential 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 while retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

Section 13.02: 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.

Section 13.03: 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 Residential 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 Residential 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:
- 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 7.06A
 - C. Home office, as defined in Section 7.06B
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 dedicated and improved street of record, 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 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 dedicated and improved street of record: All buildings, structures, and parking areas shall be located no closer than 40 feet to an existing public street right-of way.
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 4 feet in height and a grade of 3 to 1; all mounds must have shrubs, trees or greenery
 - 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.

Section 13.04: 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
- 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.

Section 13.05: 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 13.04.

- 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.
- E. 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.
- F. 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 lax list. The failure of delivery of such notice shall not invalidate any subsequent decision upon the application
- G. 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.
- H. 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).
- I. 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.

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 13.06.
- 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.

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.

Section 13.06: 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 13.05. 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.
- 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 per Lorain County Standards 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.

Section 13.07: 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 13.04(3).
- 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.
 - 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 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 13.06(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
- 1. Any proposed change to a preapproved crucial feature of the approved General Development Plan.

Section 13.08: 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 13.07.

Article 14: Conservation Developments

Section 14.01: Purpose and Authority

The primary objective of conservation development is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the rural character of the Township and conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations may be applied in the R-3 Low Density or R-2 Medium Density Residential zoning districts, as specified below, and are intended to achieve these corollary purposes:

To maximize protection of the community's natural resources by:

- 1.** Avoiding development on and destruction of sensitive natural resource areas;
- 2.** Reducing the quantity and improving the quality of storm water runoff from expected development;
- 3.** Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);
- 4.** Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and discouraging the use of plants that are non-native invasive species; and
- 5.** Conserving areas of prime agricultural soils, to the extent possible.
- 6.** To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:
 - a.** Large, aggregated, undeveloped land areas;
 - b.** Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;
 - c.** Scenic vistas and rural views;
 - d.** Significant historic features such as old barns, heritage trees, etc.;

- e. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or
 - f. Appropriate topographic or vegetative screening.
7. To encourage more efficient use of land and public services through unified development.
 8. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
 9. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
 10. To ensure that the proposed Conservation Development complies with the objectives of Columbia Township as expressed in this Township Zoning Resolution and the Township Comprehensive Plan.

These regulations are established under the Authority of O.R.C. §519.021(A), Planned Unit Development.

Section 14.02: Definitions

For the purpose of these regulations the following terms, whenever used in these regulations, shall have the meaning herein indicated:

1. **ACTIVE RECREATION, PRIVATE:** Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of private active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, private active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.
2. **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining restricted open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, or other similar entity.

3. **BUILDING ENVELOPE:** An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.
4. **BUFFERYARD:** A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.
 - a. **LAND USE BUFFERYARD:** Land area used to separate or visibly shield and/or screen one use from another.
5. **COMMON AREA:** Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity.
6. **PRIVATE STREET:** A private way which provides vehicular access to at least two but not more than five dwelling units. A Private Street is not permitted to serve property outside the Conservation Development and may be constructed with narrower pavement widths than required by the County Subdivision Regulations for public streets provided they are approved by the Board of Zoning Appeals, Township Fire Chief, and the County. The location of all Private Streets shall be shown on the plan approved by the Zoning Commission.

illustration of Private Street (Lots 5-9 and Lots 10-14)



- 7. CONSERVATION DEVELOPMENT:** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
- 8. CONSERVATION EASEMENT:** A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by O.R.C. §§ 5301.67 through 5301.70.
- 9. DEVELOPMENT PLAN:** A proposal including drawing(s) and map(s) for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in this Article.
- 10. DWELLING, DETACHED SINGLE-FAMILY:** A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.
- 11. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with the overall responsibility for administering the National Flood Insurance Program.
- 12. FLOODPLAIN:** 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.
- 13. FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 14. INVASIVE SPECIES:** Organisms that harm, or have the potential to harm, the environment, economy, or human health; species so listed shall be as defined by the Ohio Department of Natural Resources.
- 15. ISOLATED LAND:** Any portion of the subdivision parcel that is separated

from the remainder of the parcel by an excessively steep slope, water body, or other feature that would not support a road under normal building standards, rendering the portion unbuildable.

- 16. LAND TRUST:** A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under O.R.C. § 5301.68.
- 17. LOT or SUBLOT:** For the purposes of the conservation development regulations, a lot or subplot shall be a parcel of land owned fee simple and intended for a single dwelling unit whether or not such lot or subplot is located with frontage on a dedicated street.
- 18. NATURAL FEATURE:** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
- 19. OPEN SPACE:** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and natural water bodies. See also Restricted Open Space.
- 22. O.R.C. §:** Ohio Revised Code section number.
- 23. PERENNIAL STREAM:** A natural waterway that contains water throughout the year except in severe drought.
- 24. PROJECT BOUNDARY:** The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term “project boundary” shall also mean “development boundary”.
- 25. PUBLIC IMPROVEMENT:** Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.
- 26. RESTRICTED OPEN SPACE:** Open space within a conservation development

that is of sufficient size and shape to meet the minimum zoning requirements that is restricted from further development according to the provisions of this Article.

27.SETBACK: The required distance between a structure and a lot line, street dedicated and improved street of record, pavement, stream or riverbank, wetland or other delineated site feature.

a. RIPARIAN SETBACK: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.

b. WETLANDS SETBACK: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

28.STANDARD SUBDIVISION: A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.

29.STREAM BANK OR RIVER BANK: The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

30.WALKWAY: A public way, four or more feet in width, for pedestrian use only, not located within the street dedicated and improved street of record.

31.WETLAND: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

Section 14.03: Permitted Uses

The following uses shall be permitted based on the type of development proposed:

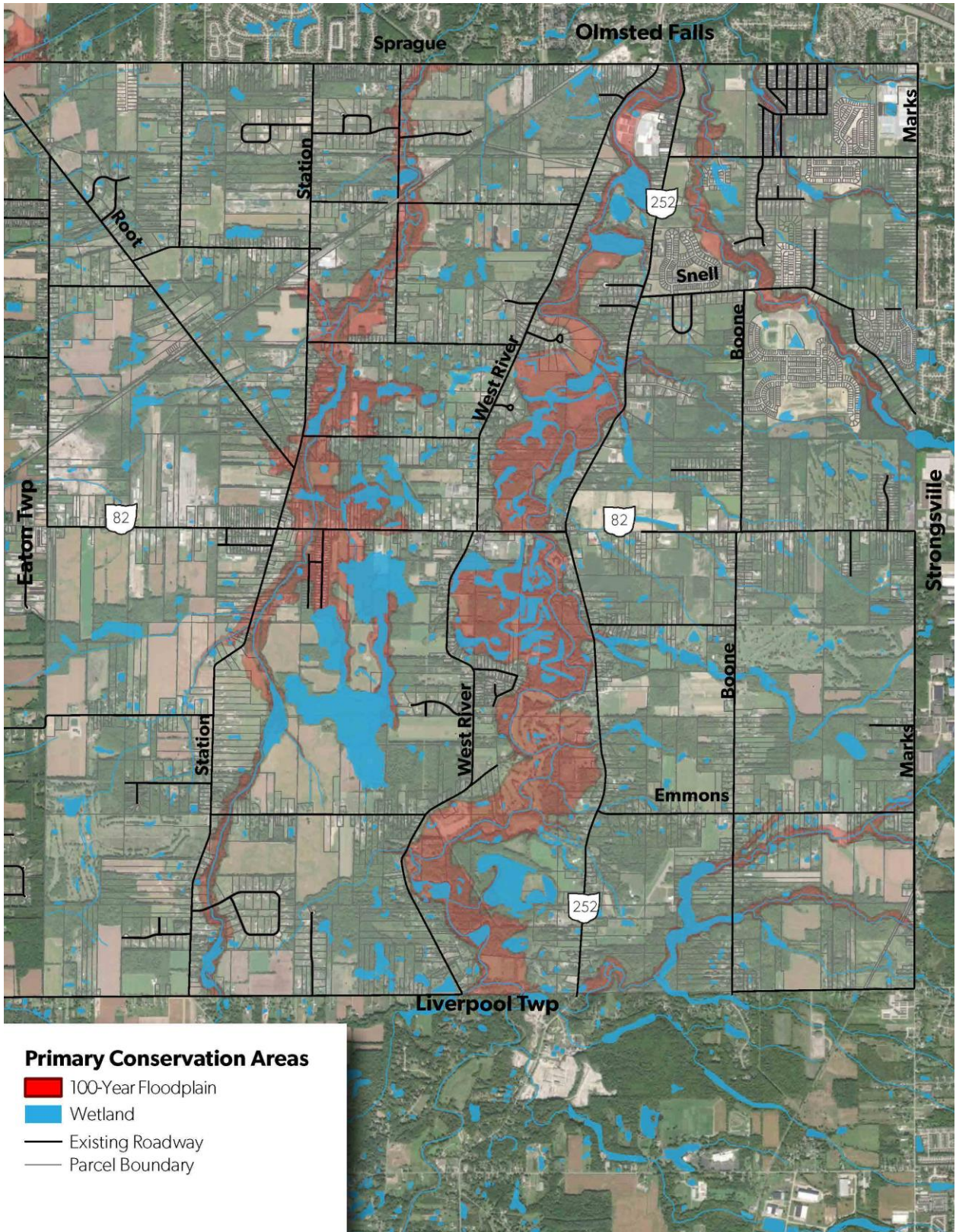
1. Conservation Development in accordance with the regulations set forth in this Article:
 - a. Detached single-family dwellings;
 - b. Recreation facilities for use by residents;
 - c. Restricted open space as required in Section 14.05
2. Agriculture in accordance with the provisions of O.R.C. § 519.021.

Section 14.04: Minimum Project Area for Conservation Development

1. The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of fifty (50) acres, but shall not include area within any existing public street rights-of-way.
2. The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

Section 14.05: Permitted Density/Restricted Open Space

1. The minimum restricted open space shall be forty percent (40%) of the total project area in R-2 Medium Density Residential Districts and fifty percent (50%) in R-3 Low Density Residential Districts. Such flexibility is intended to maximize the rural character of the Township and conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.
 - a. Primary Conservation Areas – As illustrated on the Primary Conservation Areas Map, FEMA designated 100-Year Floodplains and U.S. Fish and Wildlife Service designated wetlands shall be conserved within any Conservation Development. These areas shall be excluded from the minimum restricted open space requirements detailed above.
 - b. The maximum density shall be 4 units/acre in R-2 Medium Density Residential Districts and 1 unit/acre in R-3 Low Density Residential Districts.



Section 14.06: Regulations for Restricted Open Space

- 1. General standards:** The restricted open space required in Section 14.05 shall comply with the following:
 - a.** Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site. A minimum of 30% of lots within the conservation development must abut restricted open space.
 - b.** Areas designated for restricted open space purposes may be:
 - i.** Preserved in its natural state,
 - ii.** Designed and intended for the use and/or enjoyment of residents of the proposed development,
 - iii.** Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
 - c.** Where possible, restricted open space shall be connected with open space areas on land adjacent to the development; and also shall be connected within the project.
 - d.** In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - i.** Public road rights-of-way;
 - ii.** Parking areas, accessways and driveways;
 - iii.** Required setbacks between buildings, parking areas and project boundaries;
 - iv.** Required setbacks between buildings and streets;

- v. Minimum spacing between buildings, and between buildings and parking areas;
 - vi. Private yards;
 - vii. A minimum of fifteen (15) feet between buildings and restricted open space; and
 - viii. Other small fragmented or isolated open space areas that have a dimension less than fifty (50) feet in any direction.
 - ix. Sewage service, stormwater management, and/or water supply facilities
- e. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be no greater than five percent.
 - f. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
 - g. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
2. Prohibition of Further Subdivision of Restricted Open Space: Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township Trustees and duly recorded by the Lorain County Recorder.
 3. Ownership of Restricted Open Space: Subject to such permanent restriction as

set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity

- a. Offer of Dedication: The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

- b. Association: Restricted open space may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The Township Zoning Inspector shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - i. Membership in the Association shall be mandatory for all purchasers of lots in the development.

 - ii. The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.

- c. Transfer of Conservation Easements: With the permission of the township, the owner(s) of the restricted open space may, in accordance with the provisions of O.R.C. §§ 5301.67 - 5301.70, grant a conservation easement to any of the entities listed in O.R.C. § 5301.68, provided that:
 - i. The entity is acceptable to the township;

 - ii. The provisions of the conservation easement are acceptable to the township; and

 - iii. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under O.R.C. § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

Section 14.07: Development and Site Planning Standards

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

- 1. Ownership:** Any ownership arrangement, including, fee simple lots, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

- 2. Lot Requirements:**
 - a.** Lots for standard detached single-family dwellings or sublots for single-family cluster units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.

 - b.** The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

- 3. Perimeter Building Regulations:**
 - a.** The minimum setback from an existing public street shall be one hundred (100) feet.

 - b.** The minimum setback from the project boundary shall be one hundred (100) feet.

- 4. Interior Building Setback/Spacing Regulations:**
 - a.** The minimum setback from a proposed local public dedicated and improved street of record shall be fifteen (15) feet.

- b.** The minimum separation between dwellings shall be fifteen (15) feet.
- 5.** Height: The maximum building height shall be thirty-five (35) feet.
- 6.** Resource Protection Regulations:
 - a.** Floodplain Protection: Within a floodplain, all buildings, structures or land shall be permitted to be used only for uses listed below. These restrictions also apply to subsequent erection, alteration, enlargement, repair, moving, or design of structures within the floodway.
 - i.** Agriculture, provided however, that no livestock may be housed within the floodplain ;
 - ii.** Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;
 - iii.** Fencing that allows the passage of water.
 - iv.** Off-street parking areas accessory to uses listed in 6.a.ii provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.
 - b.** Wetlands Protection: Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - i.** A minimum construction setback of thirty five (35) feet, measured from the edge of the designated wetland.
- 7.** General Street Design Criteria:
 - a.** Street alignments should follow natural contours and be designed to conserve natural features.
 - b.** Locations of streets should be planned to avoid excessive stormwater runoff

and follow Lorain County Subdivision Regulations.

- c. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development as per Lorain County Subdivision Regulations.

8. Pedestrian Circulation Systems:

- a. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
- b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

Section 14.08: Development Design Criteria

In addition to the development and site planning standards set forth in this Article, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural and cultural features and meets the objectives of this district.

- 1. Conservation of Sloping Land: The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- 2. Conservation of Woodlands, Vegetation and other Natural Areas: The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
- 3. Conservation of Wildlife Habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources

should be protected.

4. Conservation of Prime Farmland: Farmland that satisfies the USDA definition of “prime” or “locally unique” farmland should be conserved.
5. Conservation of Cultural Resources: Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Section 14.09: Project Review Procedures

Under the authority established in O.R.C. § 519.021(A), the Township Zoning Commission shall review development plans for a proposed conservation development according to the procedures set forth in this Section.

1. Submission of General Development Plan: The applicant shall submit a General Development Plan application to the township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
 - a. Identification of existing site characteristics, including a general depiction of:
 - i. Boundaries of the area proposed for development, dimensions and total acreage;
 - ii. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
 - iii. Location of wetlands (and potential wetlands), the floodplain boundary and floodplain elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - iv. Existing soil classifications;

- v.** Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - vi.** Delineation of existing drainage patterns on the property, existing wells and well sites;
 - vii.** Description of significant existing vegetation by type of species, health, quality, etc.;
 - viii.** Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary; and
 - ix.** Description of all structures and areas of known or potential historical significance.
- b.** The preliminary site plan shall be drawn at a scale not less than one inch (1") = one hundred feet (100)', except that projects over two hundred (200) acres may be drawn at a scale of one inch (1") = two hundred feet (200'), and shall include:
- i.** A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
 - ii.** A sketch layout of standard single family lots, if any;
 - iii.** The location of the restricted open space and any proposed recreational facilities;
 - iv.** Natural features to be conserved and any required bufferyard areas;
 - v.** Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - vi.** General location of public street rights-of-way; and
 - vii.** Proposed utility easement locations.

- c. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
 - i. The structure of the Association;
 - ii. Membership requirements;
 - iii. Financial responsibilities; and
 - iv. The relationship of the entity to public agencies having responsibilities related to the project.
 - d. A description of the project phasing including the phased construction of open space improvements.
 2. Review For Completeness: Within fifteen (15) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection A above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
 3. Review of General Development Plan by Others: The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment.
 - a. Regulatory agencies which have statutory authority to subsequently review any aspect of the development, including but not limited to the Lorain County Planning Commission, the Lorain County Stormwater Management District, the Lorain County Engineer, the Lorain Soil and Water Conservation District, and the Ohio EPA.
 - b. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
 - c. Appropriate local township administrative officials, including the Township emergency services personnel.

- d.** Consultants retained by the township.

All comments from the above reviews shall be returned to the township within forty-five (45) days from the date distributed.

- 4.** Review and Approval by Township: The Township Zoning Commission shall review the general development plan and the comments received from Section 3 above. The Township Zoning Commission shall take action on the submitted general development plan by either:
 - a.** Approving the general development plan as submitted; or
 - b.** Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement;
 - c.** or denying approval of the general development plan. Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

- 5.** Significance of Approved Plan: Approval of the general development plan shall:
 - a.** Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
 - b.** Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.

- c. Provide the benchmark for the Township Zoning Commission to consider amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan.
 - d. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- 6. Final Development Plan: After a general development plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase.
 - a. Submission Requirements: The final development plan shall include:
 - i. A site plan drawn at a scale not less than one inch (1”) = one hundred feet (100)’ indicating:
 1. Boundaries of the area proposed for development, accurate dimensions and total acreage;
 2. The exact location and dimension of public street rights-of-way and Private Streets;
 3. Exact location of building envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 4. Dimensions of building/unit spacing;
 5. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
 6. Designated restricted open space areas and a description of proposed open space improvements.
 - ii. A grading plan drawn at a scale of one inch (1”) = one hundred feet

(100)', showing all information pertaining to surface drainage.

- iii.** A detailed landscaping plan for new landscaping, including entry features and signs.
 - iv.** The Declaration, Articles of Incorporation and Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - v.** Conditions imposed by other regulatory agencies.
- b.** Review For Completeness: Within fifteen (15) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection G.1, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
- c.** Distribution of Final Development Plan: The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
- d.** Review and Approval by Township: The Zoning Commission shall review the final development plan and the comments received from Section 6.b. and 6.c above. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:
- i.** Approving the final development plan as submitted; or
 - ii.** Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

iii. Denying approval of the general development plan:

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

7. No property may be occupied until the provision of infrastructure, utilities and improvements called for in the final development plan have been completed as determined by the Zoning Inspector and a certificate of compliance issued by the Township Zoning Inspector.

Article 15: Adult Uses/Sexually Oriented Businesses

Section 15.01: 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 Light Industrial District to locate adult use/sexually oriented businesses so as not to infringe on First Amendment free speech constitutional rights.

Section 15.02: Principal Business Purpose

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 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.

Section 15.03: 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.
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 sex oriented type of photographic reproductions; or

- B. offers a sleeping room for rent for a period of time that is less than ten (10) hours.
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.
16. “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.
17. “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.
18. “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.

19. “Adult use/sexually oriented business employee” means 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.
20. “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.
21. “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:

- 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.

22. “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.
23. “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.
24. “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;
 - B. activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude; or
 - 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.

Section 15.04: Regulations

Adult use/sexually oriented businesses as defined in this Zoning Resolution are permitted only in the Light Industrial District subject to the following regulations.

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;
 - 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; or
- 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 14.03, 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.

- 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 11.
- 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.
- 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.
- 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.
- 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.

Article 16: Wind Energy Conversion Systems and Small Solar

Section 16.01: 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.

Section 16.02: Definitions

For purposes of this Article, the following words shall have the following meanings:

- A. 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.
- B. Site: The physical location of a Wind Energy Conversion System, including the related tower and transmission equipment.
- C. 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.
- D. Total Height: The height of the tower and the furthest vertical extension of the Wind Energy Conversion System.
- E. Over Speed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System.
- F. Windmill Rotor: The portion of the windmill which includes the blades, hub and shaft.
- G. Windmill Tower: The supporting structure on which the rotor, turbine and accessory equipment are mounted.

Section 16.03: Zoning Districts

A Wind Energy Conversion System shall only be conditionally permitted in the Light Industrial District on parcels of more than one (1) acre, or in R-3 Low Density Residential Districts on parcels in excess of two (2) acres of land.

Section 16.04: Application Requirements

Wind Energy Conversion System applicants must include the following items when requesting a Conditional Use Permit:

- A. 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.
- B. Site plan to scale showing the property lines and physical dimensions of the site.
- C. 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.
- D. Standard drawings and an engineering analysis of the system's tower including weight capacity and wind resistance.
- E. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

- J. 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.
- K. A description of emergency and normal shutdown procedures.
- L. All Wind Energy Conversion Systems shall be required to meet all building and electrical codes.
- M. A Certificate of Liability Insurance shall be required.

Section 16.05: Setback Distances

- A. In the R-3 Low Density Residential 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 Light Industrial 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 1.1 times its total height, including blades.
- B. No Wind Energy Conversion System shall be located in any front yard.
- C. No Wind Energy Conversion System shall be erected on any parcel that is less than one (1) acre in size.

Section 16.06: Design Standards and General Provisions

The following design standards and general provisions shall be considered by the Board of Zoning Appeals when evaluating the merits of a Conditional Use Application in connection with a Wind Energy Conversion System:

- A. **Monopole or Freestanding Design:** The Wind Energy Conversion System shall be of a monopole or freestanding design without guy wires.
- B. **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.
- C. **Signs:** At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- D. **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.

- E. 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.
- F. 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.
- G. Electromagnetic or signal interference: No Wind Energy Conversion System shall cause interference with television or other communication systems.
- H. 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.
- I. 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.
- J. 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.
- K. 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 over-speed 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.

Section 16.07: 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.

Section 16.08: 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.

Section 16.09: Small Solar Systems Intent

Columbia Township will regulate Small Solar Systems defined as “solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW.”

Section 16.10: Small Solar Systems Regulatory Authority

This resolution allows the Board of Township Trustees to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any solar energy system, whether publicly or privately owned, or the use of land for that purpose.

Section 16.11: Small Solar Applicability

The requirements of this regulation shall apply to all Small Energy Systems and facilities 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 exceeds 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.

Section 16.12: Small Solar Systems Definitions

The regulations set forth herein address four types of “Small Solar Systems and Facilities.”

C. “Integrated Solar Energy Systems”: means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

D. “Ground Mounted Solar Energy Systems”: means a solar energy system that mounts a solar panel or panels and facility on a structure on or above the ground.

E. “Rooftop Solar Energy Systems”: means a solar energy system that is mounted to a structure or building’s roof.

F. “All Other Small Solar Systems”: this category serves as a catch-all for any other small solar system that may not fit into the other three categories (be it now or in the future as technology progresses).

Section 16.13: Small Solar Systems Application Requirements

A permitted Accessory Use Permit shall be required for any Solar Energy System constructed in any zoning district. A detailed site plan shall be required to be filed with application for a zoning permit for this use.

Section 16.14: Small Solar Systems General Requirements

A. Solar energy systems shall be installed, maintained, and used in accordance with the manufacturer’s instructions. A copy of such instructions shall be submitted to the Zoning Inspector with said Use Permit before installation.

B. Solar energy systems shall conform to applicable industry standards including those of the American National Standards Institute (ANSI). Furthermore, all proposed systems shall comply with any construction code, electrical code, and other state requirements.

C. The installation of any solar panel shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

D. All intra-project power lines and transmission lines leading up to project shall be underground.

E. All solar energy systems that are interconnected with any utility companies' power grid must provide evidence that utility company has been informed, approved, and met all their service connections requirements.

F. Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare into adjacent buildings, properties, or roadways.

G. Small Solar Facilities and the property located shall not be used for the display of advertising. For purposes of this section, reasonable and customary identification (name, insignia, logo, etc.) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

H. A Small Solar Energy Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

Section 16.15: Rooftop Solar Energy Systems

Rooftop Solar Energy Systems:

- A. shall be such weight to be safely supported by the building or structure;
- B. shall be considered part of the structure and meet all the required building height and setbacks;
- C. shall not vertically exceed the highest point of the roof to which it is attached;
- D. shall not exceed maximum building height limitations allowed in that zoning district;
- E. shall be flush-mounted to the roof or may be elevated on one side of the panel to a distance that does not exceed six inches as measured from the roof surface to the top of the panel if visible from a public dedicated and improved street of record;
- F. shall not be located within two (2) feet of any peak, eave, or valley to maintain adequate accessibility; and

Section 16.16: Ground Mounted Small Solar Energy Systems

Ground Mounted Solar Energy Systems:

- A. are only permitted in rear yards;
- B. shall not exceed five (5) feet in height measured from the ground at the base of such structure equipment to the highest point of the solar energy system;
- C. shall meet the requirements of Accessory Structures and shall be considered "Accessory Structures;"

D. shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where applicable; and

E. shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from adjacent lots and any public dedicated and improved street of record.

F. Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.

G. Small Solar Facilities are not permitted in front yards or side yards unless they are not visible from the dedicated and improved street of record or at least 300 feet from the dedicated and improved street of record.

Section 16.17: Small Solar Energy Systems Lighting and Noise

Small Solar Energy Systems:

A. shall have any light narrowly focused inward toward the solar equipment, be down lit and shielded, and result in a maximum horizontal illuminance level not to exceed one (1) foot-candle; and

B. shall comply with the noise resolution and all applicable noise restrictions set forth within the Township.

Section 16.18: Small Solar Energy Systems Maintenance and Removal

A. Solar facilities must be maintained in good working order at all times.

B. The owner of the property and the facility shall, within thirty (30) days of permanently ceasing operation, provide written notice of abandonment to the Zoning Inspector.

C. An unused solar facility may stand no longer than three (3) months following abandonment.

D. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner.

E. The facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days.

F. Removal includes removal of all apparatus, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded, and/or landscape state similar to its condition prior to to the construction/installation.