

# **Zoning Regulations of York Township**

**Sandusky County, Ohio**

**June 4, 2025**

## **Zoning Commission Members**

James Shelley, Chair

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Martin Shelley, Alternate

Rodney Zieber, Alternate

## Zoning Regulations of York Township, Sandusky County, Ohio

A resolution establishing Township Zoning in the unincorporated area of York Township, Sandusky County, State of Ohio, in accordance with Chapter 519 of the Ohio Revised Code.

Be it resolved by the Board of Trustees of York Township, Sandusky County, Ohio; to promote the public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land; and to facilitate adequate but economical provision of public improvements; all in conformance with a Comprehensive Plan.

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## Chapter 100: Citation and Terminology

### **110 Short Title**

This resolution may be cited as the “Zoning Resolution of York Township.”

### **111 Terminology**

Terms used in this resolution shall be deemed to have the meanings defined in Chapter 2,000.

## Chapter 200: Districts

### **210 Kinds of Districts**

The Township is hereby divided into the following districts:

- 211 Agricultural Districts, designated “A,” are established to preserve areas for agricultural and future urban uses.
- 212 Single Family Residential Districts, designated “R-1,” are established for one-family dwelling units.
- 213 Medium Density Residential Districts, designated “R-2,” are established to provide for one and two-family and three-family dwelling units.
- 214 High Density Residential Districts, designated “R-3,” are established to provide for high density residential dwelling units.
- 215 Commercial Districts, designated “C,” are established to include areas that are appropriate to provide businesses and services to the community.
- 216 Industrial Districts, designated “I,” are established for industrial, warehousing, processing and other uses of similar performance characteristics.

### **220 Boundaries**

Boundaries established by Section 210 are as shown on the “Zoning Map of York Township: 2025, or as thereafter amended, which map is made a part of hereof by reference, along with the scale and all notes, dimensions, and other graphics appearing thereon. When a right-of-way is vacated, the districts adjoining each side of said right-of-way are respectively extended to the center of the right-of-way so vacated. Any inconsistencies or uncertainties involving district boundaries shall be interpreted by the Board of Zoning Appeals.

## Chapter 300: Permitted Uses

### 310 Primary Uses

Primary uses are authorized in the Districts established by Section 210, as shown by an “x” in the following table. Where the use is indicated by a “o,” the use is permitted as a Special Use only as provided in these regulations.

<u>USE</u>	<u>A</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C</u>	<u>I</u>
1. Natural Resource Development	O					X
2. Agriculture, farming, etc.	x					
3. Ponds	x	O	O	O	O	O
4. Nurseries and greenhouses	x	O	O	O	X	
5. Single family dwellings	x	X	X	X	X	
6. Condominium			X	X		
7. Two-family dwellings			X	X	X	
8. Three-family dwellings			X	X	X	
9. Multiple family dwellings				X	O	
10. Mobile home parks				X	O	
11. Business, utility, travel, mailing services, private schools and the like	O				X	O
12. Home occupations	x	X				
13. Retail stores, personal services, grocery, auto sales and service, drive-ins, retail, commercial and the like					X	X
14. Wholesale/warehousing					O	X
15. Manufacturing in accordance with Section 320	O				O	X
16. Public parks/playgrounds, athletic fields, and other outdoor recreation	x	X	X	X	X	X
17. YMCA/YWCA and similar recreation facilities		O	O	O	X	X
18. Schools, educational institutions, churches, cemeteries	x	X	X	X	X	X
19. Hospitals, sanitariums, orphanages, nursing homes, etc.		O	O	O	X	
20. Public utility use of all kinds	x	X	X	X	X	X
21. Planned unit developments		O	O	O	O	O
22. Kennels		O	O	O	X	X
23. Small wind energy	X					
24. Small Solar Array	x	X	X	X	X	X
25. Adult Entertainment Establishments						O
26. Tiny Home	x	X	O	O		
27. Prefab Storage Containers	x	X	X	X	X	X

**320 Commercial and Industrial Uses**

Commercial and Industrial Uses with minimum nuisance standards such as the following shall be permitted in the “C” and “I” Districts: dairies, bakers, machine shops, printing shops, sheet metal shops, steel welding and fabrication shops. auto repair, nurseries, greenhouses, contractor’s establishments and equipment storage (provided not stored in required yards), carting, express or hauling establishments, bottling works, radio or television towers, research laboratories, manufacturing, lumber yards, assembly of plastic products into finished products, assembly of products from previously manufactured glass, and similar types of uses of a low-nuisance level. Approved oil burners and storage of oil will be allowed according to State regulations.

**325 Prohibited Uses**

The following uses are prohibited in the Township: manufacture of explosives, fireworks, gunpowder, and ammunition, storage or disposal of slaughterhouse refuse, rancid fats, and/or garbage except in licensed slaughterhouse or meat packing establishments, dumps, chemical waste disposal, petroleum waste disposal — lagoons, pits, barrels, recycling business, — hazard waste disposal, incineration or storage, junkyards or salvage operations that utilize incineration, concentrated animal feeding operations (CAFO’s) as defined by E.P.A., O.D.A. Also prohibited in the Township is the location of medical marijuana cultivators, processors, sale or retail dispensaries per ORC 519.21. Industrial scale wind and/or solar electrical generating facilities, whether for a single user or for providing power to the grid.

**330 Accessory Uses**

Accessory uses such as the following are permitted in districts: bird baths, bird houses, building, curbs, driveways, fences, hedges, lamp posts, satellite dishes, mailboxes, name plates, parking spaces, public utility installations, retaining walls, trees, shrubs, plants, flowers, other landscaping, walks and the like. All accessory buildings and structures meet the following requirements:

331 Accessory buildings shall be located in the rear or side yard and shall be no closer than ten feet from the principle building when separated from the principal building.

332 Accessory buildings in all districts shall be no closer than ten feet from any alley or street, no less than ten feet from a rear lot line, or ten feet from a side lot line; and shall not project into the minimum rear yard or a double frontage lot.

333 On lots where the rear yard abuts a side yard of a corner lot, the accessory buildings may not project beyond the front yard of said corner lot.

334 In residential districts, accessory buildings shall not occupy more than 20 percent of the rear yard, nor shall they exceed 20 feet in eave height.

335 The following are not permitted for use as an accessory building or storage: Manufactured Homes designed originally for transference on public highways with their own chassis and wheels; tractor trailers.

**340 Special Uses: General Requirements**

The Board of Zoning Appeals may grant special use permits where Section 310 indicates a special use is permitted. Such permission may be granted after the requirements of this Resolution are met as specified in Section 633.eneral Requirements. A special use may be granted only after it has been determined to be essential or desirable to the public convenience and welfare, in harmony with existing recommendations and objectives of a Comprehensive Plan, and in conformance with setback, yard, off-street parking, density and other requirements of the district in which it is located.

**350 Special Uses: Requirements for Specific Uses**

In addition to the requirements for all special uses, the following requirements shall be met for the following special uses.

351 Ponds or lakes shall be permitted in residential districts only after they have been shown to be a part of the overall design of a residential subdivision and the Board of Trustees is satisfied that serious safety, health, and other hazards will be eliminated. Ponds shall not encroach upon any required yard.

352 Manufactured Home Parks shall be permitted only after the following requirements are met:

- a. A plot plan prepared by and bearing the seal of a Registered Engineer in the State of Ohio shall be presented with the request showing the location and character of all facilities, utilities, lots, walks, streets, recreation areas, service buildings, and a typical lot plan.
- b. Minimum size of a Manufactured Home Park shall be ten acres, and the density of manufactured homes shall not exceed five Manufactured Home Lots per gross acre, nor shall the density of Manufactured Home Lots exceed that permitted of other housing in the district.
- c. All Manufactured Home Lots shall abut interior streets of the park, and all manufactured homes shall be set back 15 feet from any property line and 50 feet from any street.
- d. All Manufactured Homes shall at least be 400 square feet in floor area, and shall be placed on concrete pads, skirted and connected to utilities.

353 Planned Unit Developments may be permitted in any district when the following requirements are met:

- a. The site is at least 10 acres in size and plans are in conformity with a Comprehensive plan.
- b. Mixed patterns of uses must be compatible with one another and with the surrounding area. Overall density shall not exceed the maximum permitted in the district, and density in any part of the unit development plan shall not exceed ten housing units per gross acre.
- c. Plans shall be prepared by a Registered Engineer and shall show all streets, proposed public utilities, open spaces, proposed building sites, off-street parking, surface drainage and other facilities which are proposed to become part of the development.

- 354 Travel Trailer Parks and Overnight Camps may be permitted in “C” Districts provided that the following requirements are met:
- The use is not closer than 100 feet from the nearest residential district boundary, and the owner has control of one hundred feet of land surrounding the use, excluding owner’s residence.
  - No more than 20 camp sites per gross acre shall be permitted.
  - When located in the “C” District, assurance may be given that no facilities construction will require grading, filling or other movement of earth and materials which would impede the flow of the stream during flood periods.
- 355 Riding Stables shall be permitted in the Agricultural, Conservation or Recreation Business Districts only after the following conditions are met:
- Stables and riding area are not closer than 250 feet away to any home existing at the time (except the owner’s) and riding and stable area is not closer than 75 feet to a property line and 60 feet from the street. No stable located in an area which floods from stream overflow.
- 356 Burials will not be permitted on private property.
- 357 Internment or spreading of cremation ashes will be allowed in all use groups.

#### Chapter 400: Supplementary Regulations

#### **410 Yard Lot, Density, Coverage, Bulk and Height Requirements**

No Zoning Certificate shall be issued for any construction, alteration or change in a building, structure or the use of land unless the following requirements are met in the districts indicated:

<u>Requirement and type of use</u>	<u>District</u>					
	A	R1	R2	R3	C	1
<u>Maximum density for dwelling units per gross acres:</u>						
1. dwelling units	2	2	6	10	10	10
<u>Minimum lot area in thousands of square feet for residential lots:</u>						
1. single family residences	45	45	45	45	45	45
2. two-family residences	45	45	45	45	45	45
3. multiple family residences, 45,000 sq. ft., plus 4,000 sq. ft. per unit where permitted						
<u>Minimum lot width of lots in feet:</u>						
1. single family residences	150	150	150	150	150	150
2. two-family residences	150	150	150	150	150	150
3. multiple family residences	-	-	-	150	150	150



Minimum lot depth of lots in feet:

1. all residential lots	300	300	300	300	300	300
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Maximum percentage of lot coverage:

1. residential uses	25	25	40	40	40	40
2. non-residential uses	25	25	25	25	75	75

Minimum depth of front yard in feet:

1. residential structures	60	60	60	60	60	60
2. non-residential structures	50	50	50	50	100	100

1. residential structures	60	60	60	60	60	60
2. non-residential structures	25	25	25	25	25	25

Minimum width of side yards in feet:

1. residential structures	30	30	30	30	30	30
2. residential accessory structures	10	10	10	10	10	10
3. commercial structures	30	30	30	30	30	30
4. industrial structures	30	30	30	30	30	30

Minimum floor area of all residential  
uses in square feet per unit excluding  
Manufactured homes:

1. ground floor area	980	980	980	980	980	980
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Maximum height of buildings and  
Structures in feet:

1. residential uses	40	40	40	40	40	40
2. non-residential uses	40	20	20	40	none	none

The above lot size designations are to be the minimum lot sizes for use throughout York Township.

These are to be considered conditional because all lot splits must be approved by Sandusky County Regional Planning and The Sandusky County Health Department, based on required septic system design for each lot.

The number of bedrooms for residential and number of occupants for Commercial and Industrial zoning uses shall dictate the final lot size required as determined by the septic system requirements for the soil conditions located on each site as per the Sandusky County Health Department and Ohio EPA requirements.

#### **420 Off-Street Parking and Loading Space**

421 No Zoning Certificate shall be hereafter issued unless there is provided the following number of off-street parking spaces:

Residential Uses: 2 spaces per dwelling unit

Commercial Uses: 1 space for each 200 square feet of floor area

Industrial Uses: 1 space per 3 employees

Churches and Theaters: 1 space for each 4 seats

Golf Courses: 50 spaces for each 9 holes

Hotels, Motels, Rooming Houses: 1 per sleeping room

Manufactured Home and Travel Trailer Parks: 2 spaces per Manufactured Home site,  
1 per camp site

Riding Stables: 1 space per 5,000 square feet floor area

422 Parking spaces for all uses herein required shall be 200 square feet in area each; shall be within 300 feet of the premises served; shall not be contiguous to the street; and shall be at least 9 feet wide.

423 Off-street Loading spaces shall be provided for each 15,000 square feet of Commercial Land Use, or fraction thereof, and 1 berth shall be provided for each 40,000 square feet of Industrial Land Use floor area or fraction thereof. Each loading berth shall be a minimum of 12 by 60 feet with minimum height clearance of 14 feet.

424 Parking and loading requirements shall be met for all additions or new construction begun after adoption of this resolution.

425 Handicap Parking spaces shall be required for Commercial and Industrial uses as required by the State of Ohio

426 At the intersection corner of each corner lot, the triangular space determined by the two lot liens at that corner and by a diagonal line connecting the two points on those lot lines that are twenty feet respectively from the corner shall be kept free of any obstruction to vision between the heights of 2 ½ feet and 10 feet above the established grade of the street.

#### **430 Signs**

431 Signs shall be setback from the street right-of-way by the following distances:

<u>Area of Sign (square foot)</u>	<u>Minimum Setback</u>
5 or less	2 feet
5 - 14.9	10 feet
15 - 49.9	20 feet
50 - 99.9	30 feet
100 or more	60 feet

The area of the sign shall be determined by the area of the smallest circle, triangle or rectangle that can be used to enclose the area of the sign containing the message.

432 No free-standing sign shall be closer than 10 feet from any side lot line.

433 Each establishment may be permitted one sign for each 500 feet of street frontage or part thereof, provided that the total area of signs does not exceed the maximum area allowed for each use in this section.

434 The maximum size of any sign in square feet shall be as follows:

<u>Type of Sign on lot of place, identified:</u>	<u>District</u>			
	A	R	C	1
Name plate and address	2	2	12	12
Business use	-	-	-	-
Industrial use	-	-	-	-
Real estate development	300	300	300	300
For sale sign	12	12	12	12
Signs Not on Lot of Place Identified*		0	0	0

\* May be permitted up to 200 square feet when more than 200 feet from any residence except that of owner of lot on which sign is located.

**440 Travel Trailer, Manufactured Homes, Boat Storage, Swimming Pools**

441 Manufactured Homes may be permitted in the following situations:

In Manufactured Home Parks

- a. In the “A” district one manufactured home to be used on a lot for the living quarters of a relative in addition to the principal dwelling in an agricultural situation, the manufactured home may be used to house an employee of the agricultural operation. A special use permit for said shall be required, based on health department regulations.
- b. In the “A” district, in its own lot, provided the minimum lot width is 150 feet, and the minimum lot area is 1 acre. A permanent foundation and perimeter enclosure are required.
- c. All new manufactured homes must be at least 14 feet in width and contain a minimum of 980 square feet.
- d. All new or replacement homes must be set on a masonry foundation no less than eight inches thick of poured concrete or masonry block that has been mortared together. The foundation must have a footer that extends to a minimum frost depth of 36 inches below finished grade. In addition, all new or replacement manufactured homes are required to follow manufacture specifications for center supports and tie downs or hurricane straps.

**442 Replacement of Manufactured Home on its Own Lot**

A Manufactured Home may be replaced by a Manufactured Home, provided the replacement is as follows: a Class C home may be replaced with a Class A or Class B; a Class B home may be replaced with a Class A or Class B; a Class A home may be replaced with another Class A.

All replacements shall meet the following requirements:

- a. Meet all requirements for lot, yard, building and other requirements for the district in which it is located.
- b. Be affixed to a permanent foundation.
- c. Use a permanent perimeter enclosure.

- d. Be anchored to the ground in accordance with the manufacturer's specifications.
- e. Have all wheels, axles, and hitch mechanisms removed.
- f. Be at least 14 feet in width and contain a minimum of 980 square feet.
- 443 Combustible materials, such as baled straw, hay, grass, fodder and the like, shall not be used as a windbreak or storage area wall at the base of any manufactured home in any district.
- 444 One travel trailer, boat and/or boat trailer may be stored but not inhabited in the rear or side yard of any lot so long as it is less than ten feet from the lot line; or within a residential garage or accessory building anywhere on the lot. Otherwise, travel trailers shall be permitted only in travel trailer parks or overnight camps.
- 445 No basement home will be permitted.
- 446 All swimming pools and/or the entire property, on which they are located, shall be walled or fenced to prevent uncontrolled access from the street or adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a lockable gate. The required fence shall be in place within 30 days after the swimming pool is constructed. Swimming pools are permitted only in the side and rear yards and a ten foot setback from all lot lines must be maintained. Swimming pools, as described herein, shall exclude portable pools with a diameter of less than 12 feet or with an area of less than 100 square feet. An above ground pool is exempt from fencing regulations, providing the height of the pool is equal to or greater than 4 feet. All access ladders for this type of pool shall be removed or in an inaccessible position when not in use or is left unattended.

## Chapter 500: Non-conforming Uses

### **510 Non-conforming buildings**

- 511 The lawful use of any building which does not conform to these regulations whether by original adoption or by subsequent amendment, may be continued after such adoption or amendment, under the conditions herein specified.
- 512 The addition to, enlargement or expansion of any such non-conforming building may be permitted provided such addition, enlargement, or expansion complies with all height, area, parking, setback, and other requirements of the district in which it is located, and that total aggregate floor area of such additions does not exceed twenty percent of the floor area in such building at the time it became non-conforming.
- 513 A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, or the public enemy, may be restored and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion. Any lot whose buildings are destroyed beyond 50 percent of their total value shall not be restored to its original use and the land used by such buildings shall thereafter be used in conformance with the district regulations.
- 514 The use of a non-conforming building may be changed to use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.

515 A non-conforming building, or portion thereof, which is, or hereafter remains vacant  
and unoccupied for a period of two years or more, shall not thereafter be occupied  
except by a use which conforms to the use regulations of the district in which it is  
located.

**520 Non-conforming Use of the Land**

521 A non-conforming use of open land, where no primary building is involved, may be  
continued for a period of two years from the effective date of this resolution or any  
subsequent amendment; after which time, said use shall be discontinued.

522 A non-conforming use of land referred to in 521 shall not be expanded or extended  
into any other part of or the adjoining property; nor shall the use be changed except to  
a conforming use.

523 Any junk yard in existence at the time this resolution takes effect, shall be fenced in  
accordance with existing state law, such use shall be discontinued within two years of  
the adoption of these regulations; and thereafter, the land shall be required to be used  
in conformance with these regulations. For purposes of this provision, a junk yard  
shall be defined as in Chapter 2000 of these regulations.

524 A non-conforming use of land, where principal buildings are involved, shall not be  
expanded or extended into any other portion of the lot or any adjacent lot; and use of  
such land that exists at the time of adoption of this resolution and any subsequent  
amendment may be changed only as specified for changes in use of non-conforming  
buildings as Section 510; provided such change in use is due to a change in use of the  
principal building.

**530 Non-Conformance as to Lot Area, Width, and Depth**

Any lot of record, existing at the time of adoption of this resolution, or any  
subsequent amendment, where the required lot area, width and depth do not meet the  
regulations herein, may be used for residential purposes; provided that yard,  
coverage and other requirements are met; and provided that any contiguous land in  
common ownership be required to be used to meet the district lot area, width and  
depth requirements and that no portion of such be transferred to other ownership, if  
such transfer reduces the lot below the minimum requirements set forth in this  
resolution.

## Chapter 600: Board of Zoning Appeals

### **610 Creation of the Board of Zoning Appeals**

There shall be created and maintained a Board of Zoning Appeals in accordance with Section 519.13 of the Ohio Revised Code.

### **620 Organization and Procedures of the Board of Zoning Appeals**

The Board of Zoning Appeals shall organize and adopt rules for its own government as provided by Section 519.15 of the Ohio Revised Code and in so doing shall elect a chairman at its annual organizational meeting.

621 A quorum shall consist of three members of the Board of Zoning Appeals.

622 The concurring vote of at least four members of the Board of Zoning Appeals shall be required to reverse any order of the Zoning Inspector or to grant a variance or special use under the terms of this resolution. Other matters may be decided by the concurring vote of three members.

623 All meetings and hearings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its meetings and shall have the power to compel the attendance of witnesses, administer oaths, and require the production of documents as it deems necessary. When a public hearing is required for action by the Board of Zoning Appeals, the procedure noted in Section 640 of this Resolution shall apply.

### **630 Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the following powers and duties in accordance with Section 519.14 of the Ohio Revised Code.

### **631 Appeals**

The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution under the following conditions:

- a. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Inspector and the Board of Zoning Appeals a notice of appeal specifying the grounds for appeal. The Zoning Inspector shall transmit a copy to the Board of all papers constituting the record upon which the action appealed from was taken; and
- b. An appeal shall stay all proceedings in furtherance of the action appealed from unless, in the determination of the Zoning Inspector, a stay would cause imminent peril to life or property; in this case, proceedings shall not be stayed otherwise than by order of the Board of Zoning Appeals or the courts with due cause known.

## **632 Variances**

The Board of Zoning Appeals has the power to authorize, upon application, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest. Such a variance may be granted where, due to specific circumstances, a literal enforcement of this Resolution will result in unnecessary hardship but that the spirit and intention of this Resolution will be preserved. The Board of Zoning Appeals may grant a variance after consideration of the following items:

- a. That there are unique physical circumstances or conditions applicable to the property (including irregularity, narrowness, or exceptional physical conditions) which make its reasonable development difficult or impossible under the terms of this Resolution.
- b. That such unnecessary hardship has not been created by the applicant;
- c. That the variance, if authorized, will not alter the essential character of the neighborhood or be detrimental to adjacent properties and property values; and
- d. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of this Resolution.

## **633 Special Use Permits**

The Board of Zoning Appeals has the power to grant special use permits for the use of land, buildings, or other structures as provided in this Resolution subject to the following conditions (as well as any other requirements in this Resolution):

- a. The Board of Zoning Appeals shall establish beyond reasonable doubt that the general standards pertinent to each special use shall be satisfied by the establishment and operation of the proposed special use. The Board of Zoning Appeals may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objective of this Resolution shall be observed, including specific limitations as to future expansion.
- b. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use in the proposed location:
  1. Will be harmonious with and in accordance with the objectives of this Resolution and a comprehensive plan;
  2. 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;
  3. Will not be hazardous or detrimental to existing or future neighboring uses or to the community as a whole;
  4. Will be served adequately by essential public facilities and services and comply with all other local regulations (e.g., subdivision, health, etc.); and
  5. Will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding streets or roads.

- c. The Board of Zoning Appeals shall review applications for special use permits which shall contain, at minimum, the following elements:
1. Name, address, and phone number of the applicant;
  2. Legal description of the property;
  3. Description of the existing use and a description of the proposed special use;
  4. Zoning districts;
  5. A plan of the proposed site for the special use showing the location of all buildings, dwellings (with the number of units therein), parking and loading areas, traffic access and circulation, open spaces, landscape, utilities, signs and other such information as the Board of Zoning Appeals may require. The plan submitted shall be considered part of the application and no deviation from this plan shall be permitted without approval of the Board of Zoning Appeals. Alteration of the plan, as determined by the Board of Zoning Appeals, shall cause the application to be voided and the permit revoked.
  6. Such other information as may be required by the Board of Zoning Appeals.

**634 Interpretive Responsibility**

The Board of Zoning Appeals has the power to determine in which district(s) a specific use, not provided for in this resolution, may be permitted or permitted as a special use. In making this determination, the Board of Zoning Appeals shall consider the nature of the use in light of the district(s) where uses of a similar nature are provided. In addition, the Board of Zoning Appeals may require such additional conditions and safeguards as it feels necessary to uphold the intent of this Resolution.

**640 Hearings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing, within a reasonable time, after the receipt of an application for an appeal, variance, or special use permit. Before holding the public hearing, notice of such hearing shall be given in at least one newspaper of general circulation in the Township at least 10 days before the date of hearing. The notice shall set the time and place of the public hearing and the nature of the matter to be considered.

**641 Notice to Parties of Interest**

Before the public hearing, written notice of the hearing shall be mailed, by first class mail, at least 10 days before the day of the hearing to all parties of interest. The notice shall contain the same information as in the newspaper notice specified in Section 640.

**642 Action by the Board of Zoning Appeals**

After the public hearing, the Board shall either approve, approve with conditions or disapprove a request for appeal, variance or a special use permit within 45 days after the hearing. The Board of Zoning Appeals shall set forth the reasons for the decision and transmit a certified copy of the action to all parties in interest.



**643 Appeals from Decision of the Board of Zoning Appeals**

Any appeal from a decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas.

**650 Applications and Fees**

The Board of Township Trustees may establish application forms for requests to the Board of Zoning Appeals and may establish fees for said applications to defray the cost of public notices, mailings, etc., as it deems necessary.

**710 Office of Zoning Inspector Created**

A Zoning Inspector, appointed by the Board of Township Trustees, shall administer and enforce this Resolution. The Zoning Inspector, before entering upon his duties, shall give bond as specified by Section 519.161 of the Ohio Revised Code. The Zoning Inspector may be provided with the assistance of other persons as authorized by the Board of Township Trustees.

**720 Duties of the Zoning Inspector**

For the purpose of administering and enforcing this Zoning Ordinance, the Zoning Inspector shall have the following duties:

- a. Develop and distribute applications for all permits, certificates, appeals, amendments, etc., which are necessary for effective administration of this Zoning Ordinance.
- b. Approve or deny applications for zoning certificates, upon determination of compliance with this Zoning Ordinance. A zoning certificate, or a written notification and explanation of noncertification shall be issued to the applicant within ten working days of the date of filing. Failure to notify the applicant within this time period shall constitute grounds for submittal of the application for certification to the Board of Zoning Appeals as a variance.
- c. Interpret the requirements of the text and map of the Zoning Ordinance, where there are questions in the interpretation. The Zoning Inspector may consult the necessary City staff, the Sandusky County Regional Planning Commission, and the County Prosecutor to clarify such questions.
- d. Determine whether a use complies, or in violation of the Zoning Ordinance. Where a violation does exist, the Zoning Inspector shall notify the owner in writing, specifying the exact nature of the Violation and identifying the measures necessary to correct the violation including, but not limited to, a stop work order.
- e. Conduct inspections of buildings, structures and uses of land to determine compliance with this Zoning Ordinance.
- f. Maintain and keep current the permanent records required by the Zoning Ordinance, including but not limited to the official Zoning Map, zoning certificates, zoning inspections, and all official zoning actions of the Township. Such records shall be made available for use by Trustees, the Planning Commission, the Board of Zoning Appeals and the general public.
- g. Institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove the unlawful location, erection, construction, enlargement, change, maintenance or use.
- h. Prepare and submit reports concerning the administration and enforcement of this Zoning Ordinance to the Trustees upon request.
- i. Review all subdivision plats applicable to the township.
- j. Attend each first monthly meeting of the Township Trustees.

**730        Zoning Permit Required**

No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the territory included in this zoning resolution without obtaining a Zoning permit.

**731        All applications for zoning permits, and any other request for a permit or action, shall be made on forms approved by the Board of Township Trustees and by supplying such information as prescribed by this Resolution and the Board of Township Trustees.**

Applications for zoning permits shall be made to the Zoning Inspector who shall approve or disapprove the application, giving reasons therefore within 15 days after filing the application. A Zoning permit shall be valid for a period of 18 months counting from the date of issuance. If construction activity has not been completed within 24 months, the permit shall be automatically void and a new application and fee shall be required to the issuance of a new permit.

**732        Zoning Permit Fees**

Fees for zoning permits shall be established by the Board of Township Trustees and may be amended from time to time.

**733        Late Permit Fee**

A late fee is hereby established by the Township Trustees. This late fee is set at double the normal permit, variance, special use or amendment fee depending on the type of application required. The late fee will be levied when construction has begun prior to the approval of a Zoning Permit.

**734        Contents of Completed Zoning Permit Application**

Applications for a zoning certificate are available at the office of the Zoning Inspector and when completed are to be filed at such office. Each application shall include the following:

- a. Name, address and telephone number of the applicant.
- b. Two copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in use, in whole or in part including all R/W easements and required setbacks.
- c. The location of the lot, its current use(s) and the zoning district in which it is located.
- d. The location of the lot, the lot coverage and the height of any building or structure to be erected or altered.
- e. The use proposed for each building, structure or area.
- f. The number of dwelling units, commercial uses and industrial uses each building is designed to accommodate, if applicable.
- g. The required fee.
- h. Such other information as is requested by the Zoning Inspector for the effective administration of this Zoning Ordinance.

**740        Enforcement**

No construction, alteration, or change, other than normal maintenance, which affects any change in the use of land or building or regulations relating thereto, shall take place until a valid permit has been issued.

**741      Enforcement Officer**

The Zoning Inspector shall enforce this Resolution, along with the other zoning officials and the Board of Township Trustees, in accordance with the applicable sections of the Ohio Revised Code.

**742      Revoking of Permits**

Any permit issued upon false statement of material fact shall be revoked; any use or activity conducted, which varies from that use or activity specifically authorized by permit, shall cause the permit to be revoked and action to prevent such violation taken in accordance with the Ohio Revised Code.

**743      Notice of Violation**

In case of violation of this Resolution, the responsible person shall be so notified in writing and notice of said violation shall be conspicuously posted on the premises where the violation has occurred.

**750      Penalties for Violation**

Violations of this Resolution, in accordance with the Ohio Revised Code, shall be considered a misdemeanor, and upon conviction thereof, the responsible person may be fined not more than \$100 for each offense. Each day the violation continues may be deemed a separate offense.

Chapter 800: Zoning Commission

**810      Creation of the Zoning Commission**

There shall be created and maintained a Zoning Commission in accordance with Section 519.04 of the Ohio Revised Code.

**820      Organization and Procedures of the Zoning Commission**

The Zoning Commission shall organize and adopt rules for its own government as provided by Section 519.04 of the Ohio Revised Code and, in doing so, shall elect a chairman at its annual organizational meeting.

821      A quorum shall consist of three members of the Zoning Commission.

822      The concurring vote of at least three members of the Zoning Commission shall be required for action on all matters.

823      All meetings and hearings of the Zoning Commission shall be open to the public. The Zoning Commission shall keep minutes of its meetings and maintain a record of all its actions. When a public hearing is required for action by the Zoning Commission in amendment process, the procedure noted in Section 930 of this Resolution shall apply.

**830      Powers and Duties of the Zoning Commission**

For the purpose of this Resolution, the Zoning Commission shall have the following powers and duties in accordance with Section 519.12 of the Ohio Revised Code:

a. Initiation, by resolution of the Zoning Commission, of proposed amendments to this Resolution; and

b. Review of all proposed amendments to this Resolution and the presentation of recommendations on such amendments to the Board of Township Trustees as specified in Section 930 of this Resolution.

## Chapter 900: Amendments

### **910 General**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Township Trustees may by resolution after receipt of a recommendation of the Zoning Commission, amend, supplement, or change the text and/or map of this Resolution.

### **920 Initiation of Amendments**

Amendments to this Resolution may be initiated in one of the following ways:

- a. by adoption of a motion by the Zoning Commission;
- b. by adoption of a resolution by the Board of Township Trustees;
- c. by the filing of an application by at least one owner or lessee of property within the area to be changed or affected by said amendment.

### **930 Procedure**

Upon said motion, resolution, or filing of an application, said proposed amendment shall be considered in accordance with the following procedure as specified by Section 519.12 of the Ohio Revised Code.

### **931 Zoning Commission Submission to Regional Planning Commission**

Within five days after receipt of an amendment request, the Zoning Commission shall transmit a copy of the proposed amendment to the Regional Planning Commission. The Regional Planning Commission shall review the proposal and make a recommendation to the Zoning Commission for consideration at the public hearing.

### **932 Zoning Commission Hearing**

The Zoning Commission shall schedule a public hearing not less than 20 days nor more than 40 days after the proposed amendment is filed and provide notices as specified in Section 933.

### **933 Required Notices — Prior to Zoning Commission Hearing**

Before holding the public hearing, the Zoning Commission shall give notice in accordance with ORC 519, with the Board giving notice by publication of the notice on the York Township Website and on the York Township Facebook page at least 15 days before the date of hearing. The notice shall set forth the time and place of the hearing, the nature of the proposed amendment, and a statement that after the conclusion of the public hearing, the matter will be referred to the Board of Township Trustees. If the proposed amendment intends to re-zone 10 or less parcels of land, written notice of the hearing shall be mailed, at least 20 days before the hearing, to all owners of property within, adjacent to, and across the street from the area to be re-zoned. The notice shall contain the same information as required of the newspaper notice.

**934 Recommendation by Zoning Commission**

Within 30 days after the public hearing, the Zoning Commission shall recommend to the Board of Township Trustees the approval, disapproval or approval with modification of the proposed amendment.

**935 Township Trustees Hearing and Notice**

Within 30 days after receipt of the recommendation from the Zoning Commission, the Township Trustees shall hold a public hearing giving notice of the hearing in the same manner as specified in Section 933.

**936 Action to Township Trustees**

Within 20 days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. If the Township Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees is required.

**937 Effective Date and Referendum**

Such amendment adopted by the Township Trustees shall become effective in accordance with Section 519.12 of the Ohio Revised Code.

**940 Application and Fees**

The Board of Township Trustees may establish application forms for amendment requests and require specific information of the applicant. The Board of Township Trustees may also establish fees for said applications to defray the cost of public notices, mailings, etc., as it deems necessary.

## Chapter 1,000: Adult Entertainment Establishments

Adult entertainment establishments shall only be permitted in the Industrial Districts (I) as set forth on the Zoning Map of the Township. Additional regulations for Adult Entertainment Establishments include the following:

- A. No adult entertainment establishment shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a church, school, library, public playground, any building, park or other facility owned by the State of Ohio or a political subdivision thereof, tavern, bar, or other adult entertainment establishment.
- B. No adult entertainment establishment shall be located within five hundred (500) feet from the boundaries of any residential zoning district as set forth in this Resolution as shown on the Zoning Map of the Township.

## Chapter 1,100: Small Wind Energy Conversion Systems

**Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 5 MW and which is intended primarily to reduce on-site consumption of utility power by the property owner. Additional criteria:

- 1. Suitable for use by rural farms and/or residences in an Agricultural Zoning District.
- 2. Able to operate in areas with Class 2 to 3 wind resources.
- 3. Small wind energy systems shall only be installed on land owned by the applicant and shall be used solely by the applicant on that site.

**Turbine:** The parts of a wind system including the blades, generator and tail.

**Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

**Permitted Use:** Small Wind Energy Systems shall be a permitted use in an Agricultural Zoning District subject to the following requirements:

- 1. NOTICE. Notice of an application for installation of a small wind energy system shall be provided to the property owners within 300 feet of the property on which the system is to be located by regular mail, with certificate of mailing. Said notice shall be made within five days of the submission of the zoning permit application, and copies of the same shall be submitted to the zoning inspector or the permit application will be deemed to be incomplete.
- 2. TOWER HEIGHT. Tower heights of no more than 140 feet shall be allowed on parcels of less than five acres. Tower heights above 140 feet are not permitted.

3. SETBACKS. The wind energy system shall maintain a circular radius which is equivalent to one hundred and ten (110) percent of the combined distance of the tower height plus the length to the tip of blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible /flammable liquids, and above ground utility/electrical lines. No part of the small wind system structure, including guide wire anchors, may extend closer than the height of the tower including the wind turbine and blades. Additionally, the outer and innermost guide wires must be marked and clearly visible to a height of six feet above the guy wire anchors. The setback for the tower and wind turbine shall be two (2) times the combined height of the tower and wind turbine. The setback for the tower and wind turbine adjacent to schools, parks, childcare facilities, adult care facilities shall be three (3) times the combined height of the tower and wind turbine.
4. COMPLIANCE WITH NATIONAL ELECTRIC CODE. All small wind energy system installations shall comply with the National Electric Code.
5. COMPLIANCE WITH THE OHIO BUILDING CODE OR UNIFORM BUILDING CODE.  
All zoning applications for small wind energy systems shall include standard drawings and an engineering analysis of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Ohio Building Code or Uniform Building Code and certified by a licensed professional engineer shall also be submitted.
6. NOISE. Decibel levels for the system shall not exceed 60 dB(A) or in excess of 5dB(A) above the background noise, whichever is greater, as measured at each property line, except during short-term events such as utility outages and severe windstorms.
7. UTILITY NOTIFICATION. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the property owner's intent to install a small wind energy system.
8. AESTHETICS. Wind turbines and towers shall be painted white, off-white, or light gray to minimize visual impact upon the surrounding property owners. Neither the wind turbine nor the tower shall be used as a billboard or as an advertising device. In addition, access to the wind turbine shall be restricted by one of the following:
  - a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground;
  - b) A locked anti-climb device shall be installed and maintained; or
  - c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.All applications shall show a site plan for the wind turbine tower illustrating the fencing, signage, and color of the tower and wind turbine.



## Chapter 1,200 Solar Energy Systems

### 1,200.01 Large Solar Arrays

Large solar arrays are not permitted

### 1,200.02 Small Solar Arrays

- a. A small solar array may be allowed as an accessory use in conjunction with a lawful principal use.
- b. It must be subordinate and related to the principle use on the lot.
- c. A solar array less than one acre in size shall be considered a small solar array.
- d. Small solar arrays must comply with all regulations regarding accessory uses including lot coverage, location, height, and permitting.
- e. Small solar arrays must produce power primarily for use on site.
- f. Small solar arrays must be installed in accordance with the manufacturers' recommendations.
- g. If a Small solar array becomes nonfunctional or damaged, it will be removed or repaired within 90 days. Any array that produces less than 50% of its rated output will be considered nonfunctional. When a Small solar array is removed, all visible support structures will be removed as well.
- h. In residential zoned lots, side yard setbacks will be doubled.

## Chapter 1300 Junk Motor Vehicles

### 1300.01 – Definitions

**Apparently Inoperable;** A vehicle that is apparently not functioning or is inoperative or cannot be lawfully operated upon public roads or highways. Evidence of inoperability or damage includes, but is not limited to, any buildup of debris that obstructs use, or flat or missing tires, or a non-functional motor or transmission, or missing bumpers, or missing license plates, or expired vehicle license plate tabs.

**Ohio Revised Code 4513.65** describes a **Junk Motor Vehicle;** A vehicle that meets all of the following criteria:

- (1) Three model years or older
- (2) Apparently inoperable; and
- (3) Extensively damaged, including but not limited to, missing wheels, tires, engine or transmission.
- (4) Having a fair market value of One Thousand Five Hundred Dollars (\$1,500.00) or less.

**Owner:** Any person having a legal or equitable interest in property or otherwise having control of the property.

**Vehicle:** A vehicle is every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that “vehicle” does not include any motorized wheelchair, personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires, or that is used exclusively upon stationary rail or tracks, or any device other than a bicycle that is moved by human power.

**Township:** Township refers to York Township.

### **1300.2 – Removal of Junk Motor Vehicles on Township Property**

If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for immediate removal of the vehicle.

Nothing in this section shall be construed to limit the Township’s ability to remove any motor vehicle located on any street or other property open to the public for purpose of vehicular travel, or upon or within the right-of-way of any street as outlined in the York Township Parking Regulations.

### **1300.3 – Removal of Junk Motor Vehicles on Private Property.**

**Resolution and Notice Requirements:** If a junk motor vehicle is located on private property, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:

- (1) A general description of the vehicle to be removed;
- (2) A copy of the resolution in which it was determined by the Board of Township Trustees that the vehicle is a junk motor vehicle;
- (3) A statement that if the Owner of the land fails to remove the vehicle within fourteen (14) days after service of notice, the Board may remove or cause the removal of the vehicle; and
- (4) A statement that any expenses the Board incurs in removing, or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

**Service of Notice:** The Board shall serve notice by sending it in certified mail, return receipt requested, to the owner of the land, if the Owner resides in the Township or if the owner resides outside the Township and the owner’s address is known or ascertainable through an exercise of reasonable diligence. The Board shall also send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed within fourteen (14) days of its mailing, or if an owner’s address is unknown and cannot be reasonably ascertained by an exercise of reasonable diligence, the Board shall publish notice by its normal means before the removal of the vehicle, and if the land contains any structures, the Board shall post the notice on the principal structure on the land.

Pursuant to ORC 4513.65, no person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of notice. The fact that a junk motor vehicle is so left is prima-facie evidence of a willful failure to comply with the notice.

A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt, a notice given by the Township's normal means shall be deemed to be served on the date of the website and Facebook page publication.

Each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense.

#### **1300.4 – Methods for Removing Junk Vehicles**

**Removal:** The Board of Township Trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.

#### **1300.5 – Collection of Expenses Incurred in Removing Junk Motor Vehicles**

**Placement of Liens Upon the Land:** The Board of Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk vehicle. The Board shall direct the Township Fiscal officer to certify the expenses and a description of the land to the County Auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

#### **1300.6 – Reservations and Restrictions**

**Reservations:** Nothing in these Zoning Rules and Regulations affects the authority of the York Township Board of Trustees to adopt or enforce resolutions under section 505.173 of the revised Code to regulate the storage of junk motor vehicles on private or public property in the Township.

**Restrictions:** Vehicles removed pursuant to these zoning rules and regulations are subject to the same restrictions specified in Section 505.173(A) of the Revised Code

## **Chapter 2,000: Definitions**

- 2,000 Definitions (as used in this Resolution the terms):
- 2,001 “Used for” includes “designed for” and vice versa; used in the “present tense” includes the “future tense,” used in the “singular number” includes the “plural number” and vice versa; “building” includes “structure”; “dwelling” includes “residence”; “lot” includes “plot”; “shall” is mandatory and “may” is permissive.
- 2,002 “Accessory Building” means a detached subordinate building, with or without foundation, that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.
- 2,003 “Accessory Use” means a use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.
- 2,004
- a. “Adult arcade” means any place to which the public is permitted or invited in which coin operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.
  - b. “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment that, for any form of consideration, has as a significant or substantial portion or its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial of its sales or display space for the sale or rental of any of the following:
    - I. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
    - II. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
    - III. “Adult bookstore,” “adult novelty store,” or “adult video store” includes a commercial establishment as defined in *section 2907.38 of the Revised Code*. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an 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 some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

- c. “Adult cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
  - I. Persons who appear in a state of nudity or semi-nudity;
  - II. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
  - III. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- d. “Adult entertainment” means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- e. “Adult entertainment establishment” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to *section 4731.15 of the Revised Code*, is not an “adult entertainment establishment.”
- f. “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- g. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- h. “Distinguished or characterized by their emphasis upon” means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
- i. “Nude or semi-nude model studio”
  - (a) means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted sculptured, photographed, or similarly depicted by other persons.

- (b) A modeling class or studio is not a nude or seminude model studio and is not subject to this resolution if it is operated in any of the following ways:
      - (i) By a college or university supported entirely or partly by taxation;
      - (ii) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
      - (iii) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.
  - j. “Nudity,” “nude,” or “state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.
  - k. “Regularly features” or “regularly shown” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.
  - l. “Seminude” or “state of semi-nudity” means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
  - m. “Sexual encounter establishment” means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
    - (i) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
    - (ii) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
- 2,005 “Alley” means a right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of the abutting property.
- 2,005a “Alteration” means any change in the nature of the use of the land and/or buildings; and includes any change in supporting members, beams, bearing walls, column or girders which would tend to prolong the life of the building or use; but not including normal maintenance and repair.
- 2,006 “Automobile Service Station” means any premises used for supplying gasoline or oil or retail direct to the motoring public; including minor accessories and services for automobiles conducted wholly within an enclosed building.
- 2,007 “Basement” means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.
- 2,008 “Board” means the Board of Zoning Appeals.

- 2,009 “Building” means a roofed structure for the shelter, support, enclosure or protection of persons, animals, or property; where each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purpose of this resolution.
- 2,010 “Building Area” means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, and other open areas.
- 2,011 “Building Height” means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof or to the ridges of a gable, hip, or gambrel roof.
- 2,012 “Building Line” means the line that establishes the minimum permitted distance on a lot between the outside of the building including any overhang, and the lot line.
- 2,013 “Business” means the use of land or buildings for the purpose of purchase, sales or exchange of goods and services; for the purpose of maintaining offices, recreational or amusement enterprises for profit.
- 2,014 “Commission” means the Zoning Commission of York Township, Sandusky County, Ohio.
- 2,015 “Condominium” means property in which one or more individually owned dwelling units are contained within a single building or buildings, and the units are offered together with undivided interest in the common areas and facilities of the property.
- 2,016 “Corner Lot” means a lot at the junction of, and abutting, two intersecting or intercepting streets.
- 2,017 “Detached Building” means a building that has no structural connection with another building.
- 2,018 “Drive-in” means any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.
- 2,019 “Dwelling” means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house or tourist home.
- 2,020 “Dwelling unit” means a dwelling, or part of a dwelling, used by one family, exclusively, as a place of abode.
- 2,021 “Family” means one or more persons living as a single housekeeping unit, but not including an unrelated group of more than six persons or a group occupying a hotel, motel, club, nurses’ home, dormitory, fraternity or sorority.
- 2,022 “Farm” means as area used for agricultural operations. To be classified as a farm, five acres must be in agricultural production.
- 2,023 “Front line” means, with respect to a building, the foundation line that is nearest the front lot line.
- 2,024 “Front lot line” means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake or water course; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting streets, easement for street purposes, lake or watercourse.
- 2,025 “Front Yard” means a yard that is bounded by the front line of the principal building, by the front lot line, and by the segments of the side lot lines that they intercept; except that on double frontage lots, one such front yard may be used as

- a “rear yard” provided that, the minimum front building line in such cases shall be complied within placement of accessory buildings.
- 2,026 “Ground Floor Area” means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages and exterior stairways.
- 2,027 “Home Occupation” means the use of a home for a business of professional service which is established entirely within a dwelling unit, is conducted only by members of the family residing in residence and utilizing not more than 25 percent of the ground floor area of all buildings on the lot.
- 2,028 “Junk Yard” means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for re-use or re-sale; including but not limited to automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof. deleted
- 2,029 “Kennel” means a place primarily for keeping four or more dogs that are at least four months old.
- 2,030 “Lodging House” means a building, not available to transients, in which lodging is regularly provided for compensation for at least three but not more than ten persons.
- 2,031 “Lot” means as area, exclusive of streets and alleys and other public places, used as unit, and which abuts a street or road.
- 2,032 “Lot Coverage” means the area covered by buildings times one hundred, divided by the total lot area, exclusive of streets, alleys and walkways, but including utility and other similar easements, expressed as a “percentage of lot coverage.”
- 2,033 “Lot Line” means the legal boundaries of the “lot,” excluding streets, alleys and other public places.
- 2,034 “Lot Width” means the distance between the side lot lines measured at the minimum front line.
- 2,035 “Lot Depth” means the average distance from the street or road right-of-way to the back lot line as measured perpendicularly or radically from the intersection of each lot line with the street, or road right-of-way.
- 2,036 “Manufactured Homes” means:
- a. “Class A manufactured home” means a manufactured home certified as meeting either the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development or industrialized unit requirements of the Ohio Board of Building Standards; has the same siding materials and pitched shingled roofs as used on newly constructed conventional homes; and is on a permanent foundation.
- b. “Class B manufactured homes” means a manufactured home certified as meeting either the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development (1977) or the industrialized unit requirements of the Ohio Board of Building Standards; has a bowed metal roof and aluminum siding with the traditional manufactured home appearance; and is on a permanent foundation.
- 2,037 “Mobile Home Park” means an area of land which two or more manufactured homes are regularly accommodated or intended for such use, with or without charge, including any buildings, other structures, fixtures, or equipment that is used in providing that accommodation.



- 2,038 “Multiple Family Dwelling” means a dwelling or structure containing two or more “dwelling units.”
- 2,039 “Nature Resource Development” means the mining or extraction of any stone, sand, gravel, dirt, oil, or other natural resources, and shall include the processing of such natural resources.
- 2,040 “Non-Conforming Use” means a use that exists at the time a provision of this Resolution is passed but does not comply with it.
- 2,041 “Permanent Foundation” means a structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. For purposes of this Zoning Ordinance, a “permanent foundation” requires walls at the exterior line of the trailer constructed on footers set below the frost line and steel beams across these walls to weld or bolt the trailer frame to.
- 2,042 “Permanent perimeter enclosure” means a foundation which forms a complete enclosure under exterior walls, and includes a skirting constructed of fire and weather resistant materials, enclosing the undercarriage of a manufactured home.
- 2,043 “Person” means also a corporation, firm, partnership, association, organization, unit of government or any other group that acts as a unit.
- 2,044 “Principal Building” means the building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as a roof and walls.
- 2,045 “Private Garage” means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.
- 2,046 “Private School” means a school other than a public school.
- 2,047 “Professional Office” means an office used by members and the necessary personnel of a recognized profession such as architects, dentists, business establishments, located on the same lot as the principal use.
- 2,048 “Overnight Camp” means an area of land used or designed to be used to accommodate two or more tents, travel trailers, or other camping outfits, for no longer than a two-week period.
- 2,049 “Public Garage” means a garage, other than a private garage, whose services are available to the public or to persons occupying a hotel, club or similar facility.
- 2,050 “Rear Lot Line” means a line farthest from the front line, and connecting the two side lot lines.
- 2,051 “Rear Yard” means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line and the rear principal building.
- 2,052 “Side Lot Line” means a boundary line other than a front or rear lot line.
- 2,053 “Side Yard” means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
- 2,054 “Satellite Dish” means a structure erected for the purpose of receiving satellite television signals.
- 2,055 “Sign” means visual devices or structures used for advertising, identification, display, direction or publicity purposes.

- 2,056 “Solar Facility” A structure or system that converts solar energy into electricity or heat, and any attached or related structures or infrastructures. A facility may include multiple solar arrays and multiple parcels and sites that connect to the electrical grid at a common point. The output of such a facility shall be calculated to the point where the aggregate parts interconnect to the electrical grid.
- 2,057 “Solar Array” A collection of solar panels, cells, or units that are collocated and used together to generate electricity or heat.
- 2,058 “Large Solar Facility” Means and electric generating plant that consists of solar panels and associated facilities with a single interconnection to the electrical grid or a large industrial user that connects directly to the solar array.
- 2,059 “Small Solar Array” A solar array not more than one acre in size that qualifies as an accessory use. This includes ground mounted arrays and arrays mounted on existing structures. The power generated by this array must be used on site by a lawful principle or accessory use.
- 2,060 “Storage Container” means a pre-fabricated steel box, usually with double swinging doors on one end, formerly used for transportation of various commodities by truck, rail or ship. Storage containers will be allowed in all zoning classifications and will be considered an accessory building. All storage containers meeting the accessory rules shall be placed on an ODOT 304 compacted stone pad, or a 4” concrete pad. The exposed sides of a storage container must be painted one uniform color so no writing or logos are visible.
- 2,061 “Storage Container used as a Dwelling Place” means one or more storage containers structurally assembled and used as a residential dwelling structure. Storage Containers used as such must meet the minimum dwelling size or request a variance. Said Storage Containers must be mounted on a frostproof foundation, the same as a pre-manufactured home. Storage Containers used as a dwelling place shall have all exposed sides painted one uniform color, and shall have egress doors and windows installed. Said Storage Containers must meet all Sandusky County Health Department standards for water supply and septic systems.
- 2,062 “Street” or “Road” means a right-of-way or easement that is established by record to provide the principal means of access to abutting property.
- 2,063 “Structure” means anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.
- 2,064 “Structural Change” means a substantial change in a supporting member of a building or structure such as a bearing wall or bearing partition, column, beam, or girder, or in an exterior wall or the roof.
- 2,065 “Tiny Home” means a single family dwelling place that is smaller than a conventional dwelling, and is usually in the 300 to 500 Sf area. A Tiny Home may be built on a frostproof foundation or it may be similar to a mobile home. If built in the mobile home style, the wheels may be left in place but it is required to install varmint proof skirting in place around the entire perimeter of the home. It is also required to be securely attached to the earth with mobile home-type tie downs. The Sandusky County Health Department must approve water and septic

supply for the Tiny Home. All other requirements for a single family dwelling place apply to a Tiny Home. A Tiny Home will require a size variance.

- 2,066 “Through Lot” means a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a water course or lake.
- 2,067 “Travel Trailer” means a vehicle or other portable structure thirty feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.
- 2,068 “Travel Trailer Park” means an area of land on which two or more travel trailers are regularly accommodated with or without charge, including any buildings, structures or fixtures or equipment that is used in connection with providing such accommodations.