

# **ZONING RESOLUTION OF YORK TOWNSHIP**

MEDINA COUNTY, OHIO

Adopted June 13, 1950

Revised May 1975

Adopted April 29, 1976

Revised 1984

Revised 1990

Revised 1995

Revised 2003

Revised 2005

Revised 2010

Revised 2018

Revised With Amendments Through December 31, 2021

A Resolution providing for the zoning of the unincorporated area of York 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 or districts of such number, sizes, and shape as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing procedures for the administration and enforcement of this Resolution.

**TABLE OF CONTENTS**

|  | <b>Page</b> |
|--|-------------|
| <b><u>Article I      Purpose and Authority</u></b>                 |             |
| Section 101    Title   | 4           |
| Section 102    Authorization                                       | 4           |
| Section 103    Purpose   | 4           |
| Section 104    Validity and Separability                           | 4           |
| Section 105    Repealer  | 4           |
| Section 106    Effective Date                                      | 5           |
| <b><u>Article II      General Provisions</u></b>                   |             |
| Section 201    Establishment of Districts or Zones                 | 6           |
| Section 202    Uniformity of Regulations                           | 6           |
| Section 203    Map of Zoning Districts                             | 6           |
| Section 204    Interpretation of District Boundaries               | 6-7         |
| Section 205    Regulations Applicable to All Districts or Zones    | 7-13        |
| Section 206    Regulations Applicable to Residential Districts     | 13-15       |
| Section 207    Site Plan Review and Conformance                    | 15-19       |
| <b><u>Article III     District Regulations</u></b>                 |             |
| Section 301    R-1 Low Density Residential District                | 20-24       |
| Section 302    R-2 Medium Density Residential District             | 25-30       |
| Section 303    C-1 Commercial District                             | 31-34       |
| Section 304    I-1 Industrial District                             | 35-37       |
| Section 305    M-U Multi-Use District                              | 38          |
| Section 306    Conservation Development Overlay District           | 39-49       |
| Section 307    R-1 / PUD Planned Unit Development Overlay District | 50-62       |
| Section 308    M-C Mallet Creek District                           | 63-67       |
| <b><u>Article IV     Sign Regulations</u></b>                      |             |
| Section 401    Purpose   | 68          |
| Section 402    Limitations   | 68          |
| Section 403    General Requirements                                | 68-71       |
| Section 404    Signs Permitted in Residential Districts            | 71          |
| Section 405    Signs Permitted in Non-Residential Districts        | 72-73       |
| Section 406    Signs Permitted in PUD Districts                    | 73          |
| Section 407    Enforcement   | 73          |
| Summary Tables of Sign Standards                                   | 74-75       |

---

**Page**
**Article V Conditional Zoning Certificates**

|             |   |       |
|-------------|---|-------|
| Section 501 | Purpose   | 76    |
| Section 502 | Application   | 76-77 |
| Section 503 | Notice and Hearing                                      | 77    |
| Section 504 | Basis of Determination                                  | 77    |
| Section 505 | General Standards for All Conditionally Permitted Uses  | 77-78 |
| Section 506 | Specific Standards for All Conditionally Permitted Uses | 78-83 |
| Section 507 | Violations and Revocation                               | 83    |
| Section 508 | Appeals   | 83    |
| Section 509 | Reapplication   | 83    |

**Article VI Non Conforming Uses, Structures, and Lots**

|             |                            |       |
|-------------|----------------------------|-------|
| Section 601 | Purpose                    | 84    |
| Section 602 | Nonconforming Use          | 84    |
| Section 603 | Nonconforming Structure    | 85    |
| Section 604 | Nonconforming Lot          | 85    |
| Section 605 | Completion of Construction | 85-86 |

**Article VII Administration and Enforcement**

|             |                     |       |
|-------------|---------------------|-------|
| Section 701 | Zoning Inspector    | 87    |
| Section 702 | Zoning Certificates | 87-88 |
| Section 703 | Fees                | 88    |
| Section 704 | Amendments          | 88-89 |
| Section 705 | Violations          | 89    |
| Section 706 | Inspection          | 89    |
| Section 707 | Enforcement         | 89    |
| Section 708 | Correction Period   | 89    |
| Section 709 | Penalties           | 89    |

**Article VIII Board of Zoning Appeals**

|             |                                     |       |
|-------------|-------------------------------------|-------|
| Section 801 | Board of Zoning Appeals Established | 90    |
| Section 802 | Powers and Duties                   | 90    |
| Section 803 | Appeals                             | 90-91 |
| Section 804 | Notice                              | 91    |
| Section 805 | Variances                           | 91-93 |

**Article IX Rules of Construction and Definitions**

|             |                       |        |
|-------------|-----------------------|--------|
| Section 901 | Rules of Construction | 94     |
| Section 902 | Definitions           | 94-105 |

**Article X Amendments**

106

## ARTICLE I

### PURPOSE AND AUTHORITY

#### **Section 101 Title**

This Resolution shall be known as the York Township Zoning Resolution.

#### **Section 102 Authorization**

The authority for establishing "The York Township Zoning Resolution" is derived from Chapter 519.00 inclusive of the Ohio Revised Code.

#### **Section 103 Purpose**

In order to promote and protect the health, safety, and morals of the residents of the unincorporated area of York Township, Medina County, Ohio, and to insure orderly growth and development in said township, the Board of Township Trustees has found it necessary and advisable to adopt 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; use of buildings and other structures; uses of the land for trade, industry, residence, recreation, or other purposes, and for such purposes to divide the unincorporated area of York Township into districts or zones and to provide for the administration and enforcement of such regulations.

#### **Section 104 Validity and Separability**

It is hereby declared to be the legislative intent that, if any provision(s) of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectiveness of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

#### **Section 105 Repealer**

All existing Resolutions of York Township, Medina County, Ohio, inconsistent herewith, are hereby repealed.

**Section 106 Effective Date**

This revised and recodification of the York Township Zoning Resolution was recommended by the York Township Zoning Commission on December 7, 2017 and thereafter approved by the undersigned trustees by Resolution Number 18-09-01 adopted on September 13, 2018 and is effective on October 13, 2018.

-----  
Todd Zieja-Trustee

-----  
Richard M. Monroe -Trustee

-----  
William E. Pavlick -Trustee

-----  
Margaret Russell - Fiscal Officer

## ARTICLE II

### GENERAL PROVISIONS

#### **Section 201 Establishment of Districts or Zones**

The unincorporated territory of York Township, Medina County, Ohio, is hereby divided into districts or zones as follows:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- C-1 Commercial District
- I-1 Industrial District
- MC Mallet Creek District
- M-U Multi-Use District
- R-1 / PUD Planned Unit Development Overlay District

#### **Section 202 Uniformity of Regulations**

All regulations shall be uniform for each class or kind of building or other structure, or use, throughout each district or zone.

#### **Section 203 Map of Zoning Districts**

The districts or zones and their boundary lines are indicated upon a map entitled "Zoning District Map of York Township, Medina County, Ohio," an accurate copy of which, together with all notations, references, and other matters shown thereon is hereby attached to and made a part of this Resolution. The original map shall be maintained in the office of the York Township, and shall show all amendments or changes made hereafter thereon. The copy attached is for general reference purposes only. The original map must be examined to confirm, the attached maps, continued accuracy on and after the date indicated thereon.

#### **Section 204 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

##### **204.01 Where Boundaries Approximately Follow Streets, Alleys, Or Highways**

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district's boundaries.

#### 204.02 Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, Or Highway Right-of-Way Lines

Where district boundaries are so indicated that they are approximately parallel to the center line or right-of-way lines of streets, the center line or right-of-way lines on highways, such district boundaries shall be construed as being parallel thereto and at such a distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

#### 204.03 Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

### **Section 205 Regulations Applicable to All Districts or Zones**

#### 205.01 Agricultural Uses

To the extent exempted under Ohio Revised Code Section 519.21, nothing contained in this Resolution shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incidental to the use of agricultural purposes of the land upon which said buildings or structures are located. No Zoning Certificate shall be required for such agricultural use, building or structure. The main farm dwelling and any accessory buildings used in connection with the dwelling, however, shall conform to the regulations contained in this Resolution.

#### 205.02 Compliance Required

- A. No building, structure, fence, or sign shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by this Resolution for the districts in which the building, structure, or lands are located. Uses which are omitted from this Resolution, not being specifically permitted, shall be considered prohibited until, by amendment, such uses will be consistent with this Resolution.
- B. Nothing contained in this Resolution shall hinder the completion of construction of a building or prohibit its use where construction has legally started before the effective date of this Resolution or applicable amendment provided that such building shall be completed within two (2) years from the date of passage of this Resolution or applicable amendment thereto.

### 205.03 Parking and Loading

- A. No motor vehicle, boat, or recreational vehicle may be stored closer than five (5) feet to any property line. In C-1 and I-1 districts, open off-street parking facilities may be located in the required front yard provided that at least a twenty (20) foot wide landscaped strip is located between parking area and the street right-of-way line. In all districts, open off-street parking facilities may occupy the required rear yard providing that a five (5) foot landscaped strip separates parking from all property lines abutting the rear yard.
- B. Parking Space  
Each off-street parking space required shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles.
- C. Parking Area Design  
Such parking areas shall be of usable shape, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area; to contain the cars on sloping surfaces, and to prevent bumper overhang onto abutting property.
- D. Entrances and Exits  
Entrances and exits to parking and loading areas shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections.
- E. Locations  
Required parking spaces shall be located on the same lot as the principal use which they serve. Parking spaces also shall meet the additional location requirements as listed in the appropriate district.
- F. Loading  
Every building used for non-residential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes.
- G. Inconsistencies  
In the event any of the parking and loading requirements or regulatory provisions of this Resolution are found to be inconsistent with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.
- H. Landbanking  
An applicant for a Zoning Certificate may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required by this Resolution. The request shall include a

detailed drawing of a complete parking layout and identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Through review and approval of the plan, the Zoning Commission may approve a total parking layout, but which permits a portion of the required parking spaces to be reserved and temporarily retained in landscaped open space. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Zoning Commission determines that the parking is necessary for the operation of the use.

#### 205.04 Nuisance Prohibited

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, and water-carried wastes.

#### 205.05 Prohibited Uses

The following uses shall be prohibited in all Zoning Districts:

1. Mobile homes as defined in Ohio Revised Code Section 4501.01.
2. Any junk vehicle or parts thereof that are in the process of being repaired, dismantled, stored, and/or other similar activity must be out of sight by being housed in a garage or other suitable structure, or shall be removed from the property within fifteen (15) days.
3. Junk yards and junk on an individual property.
4. All sanitary land fills.

#### 205.06 Required Lots, Yards, and Open Space Unaffected by Change in Ownership

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

#### 205.07 Projections into Yard Areas

Every part of a required yard shall be open to the sky unobstructed, except ;1) accessory buildings in a rear yard, 2) parking of automobiles as regulated by Article III herein, 3) fences constructed in compliance with Section 205.12 of this Resolution. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than two (2) feet above the level of the ground or first story floor, may project into a required side or rear yard, provided these projections be distanced at least five (5) feet from the adjacent lot line. A porch or paved terrace may be located in front of the house but behind the setback line.

### 205.08 Corner Lots

A. Required Yard Facing Street

Corner lots in all districts shall meet the minimum front yard requirements, as indicated in that district, facing both streets.

B. Visibility at Corner Lots

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except shade trees which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

C. Lot Width

Lot width shall not include any area within the road right-of-way.

### 205.09 Outdoor Storage and Business Activities

Storage of materials, equipment, supplies, and displays of merchandise shall take place within a completely enclosed building except as otherwise provided in this Resolution.

### 205.10 Height Exceptions

A. Except as specifically stated in other parts of this Resolution, no building shall be erected, converted, enlarged reconstructed or structurally altered to exceed the height limit herein after established for the district in which the building is located or parapet walls, skylights, flag poles, chimneys, smokestacks, water tanks, or similar structures erected above the height limits herein.

B. Public or semipublic buildings, when permitted in a district, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet provided the normal yard requirements of the district are increased one (1) foot for each foot of additional building height above the maximum height requirement the district in which the building is located.

### 205.11 Temporary Buildings

Temporary buildings for use incidental to construction work may be erected in industrial districts, commercial districts or during installation of required improvements within a duly approved subdivision. No temporary building shall be erected without first obtaining a Zoning Certificate from the Zoning Inspector. The Zoning Inspector shall establish a time period for said Zoning Certificate based upon the construction to be undertaken. Such temporary building shall be removed upon completion or abandonment of the construction project. The Township Trustees may condition the issuance of the Zoning Certificate upon the applicant giving bond or other acceptable security to guarantee removal of the temporary building.

### 205.12 Fences, Walls, and Hedges

- A. No fence, wall, or hedge shall be permitted within the road right-of-way. Fences, walls, and hedges in front yards shall not exceed four (4) feet in height and shall not interfere with clear sight distances or create visual obstruction for vehicular traffic.
- B. Fences, walls, and hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade, and that any fence, wall, or hedge shall be well maintained, harmonious and appropriate in appearance with the existing character of the immediate area in which it is located, and will not be hazardous or disturbing to existing or future neighboring uses.
- C. Informal planting may be higher than six (6) feet.

### 205.13 Swimming Pools

Public or private in-ground or above ground swimming pools having a manufacture's rated or advertised water depth of four (4) or more feet shall be considered as structures and shall require a Zoning Certificate. Such pools shall conform to all required front, side, and rear yard setback lines. The construction, plumbing and electrical requirements, inspection, and other safety facilities shall be regulated by the appropriate codes.

### 205.14 Lakes and Ponds

- A. Public or private ponds or lakes containing over one and one half feet of water depth shall be considered as structures for the purpose of Zoning Certificates. A pond shall be constructed such that its surface area and embankments associated with a pond shall be located at least twenty-five (25) feet from all property lines and at least fifty (50) feet from any road right-of-way.
- B. Ponds or lakes shall meet standards and specifications of the Medina County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised Code. Lakes or ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.
- C. Upon making application for a Zoning Certificate, the applicant is required to submit to the Zoning Inspector, a copy of the proposed pond and/or lake plans which have been reviewed and stamped by the Medina County Soil and Water Conservation District or the Medina County Engineer, and in the cases of lakes/ponds used for domestic water supply, by the Medina County Health Department.
- D. Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee.

## 205.15 Driveways

The following general driveway requirements apply to all districts or zones. Specific requirements provided for elsewhere in this Zoning Resolution may also apply and shall be in addition to these requirements.

- A. Driveways shall be installed before construction of buildings can begin. This installation will consist of an all weather driving surface capable of holding construction, emergency, and passenger vehicles and with horizontal and vertical alignments to accommodate such vehicles. An all weather driving surface is a surface such as: gravel, stone, brick, asphalt, or cement.
- B. Driveway widths shall be a minimum of ten (10) feet of all weather driving surface, with an additional three (3) feet of level berm on each side unobstructed to a height of sixteen (16) feet.
- C. The width of the driveway at the road right-of-way shall be in accordance with the standards of the Medina County Engineer.
- D. Permits must be obtained from proper authority, state, county, or township, for road culvert and be installed to their required specifications.
- E. Driveways shall in no manner inhibit or modify the water flow characteristics of adjacent properties.
- F. Driveways shall be a minimum of ten (10) feet from adjoining lot lines.
- G. Driveways shall have a maximum 15 percent (15%) grade.
- H. Driveways longer than three hundred (300) feet shall include a turn-around for use by emergency vehicles not farther than two hundred (200) feet from a dwelling.
- I. Driveways longer than five hundred (500) feet shall include passing lanes at a minimum of every five hundred (500) feet. Passing lanes shall consist of an additional ten (10) feet of width for a length of fifty (50) feet.
- J. A street number identification sign shall be placed at the driveway entrance of all lots of 2.1 acres or larger. Minimum sign size shall be six (6) inches by eighteen (18) inches, with reflectorized numerals.
- K. Any driveway serving more than one (1) parcel of land shall meet all County Street Regulations.
- L. Driveway gates shall not exceed six (6) feet in height. Gate support posts and/or columns shall not exceed eight (8) feet in height. Gates shall have a minimum opening of fourteen (14) feet and shall be equipped with a Knox key to accommodated fire fighting equipment. Driveway gates shall not be located closer than ten (10) feet from the edge of the right-of-way.

**205.16      Agricultural Roadside Stand**

- A. Agricultural roadside stands shall have at least fifty percent (50%) of its income derived from sales of products produced by the market owner.
- B. Agricultural roadside stands shall not be erected closer than twenty (20) feet from the road right-of-way nor closer than thirty (30) feet from any lot line.
- C. Agricultural roadside stands and required off-street parking shall be located and set back from the street so as not to create a traffic hazard.

**205.17      Temporary Contractor Construction Trailers**

Temporary contractor construction trailers, equipment and materials used in construction work shall be permitted in any district only during the actual progress of construction work and shall immediately be removed upon completion of construction or three (3) years from the commencement of construction, which ever is earlier. Such buildings shall not be used for dwelling purposes.

**205.18      Temporary Sales Offices**

Temporary sales office within a model home/attached garage incidental to the sale of real property within a new housing development, subject to the following conditions:

- A. Sales office activities shall pertain only to sales of properties within the housing development with which the model home is located.
- B. The temporary sales office shall cease upon the happening of any of the following events:
  - 1. When all residences have been constructed on all lots in the development or the particular phase under development have been sold to the original owner.
  - 2. The sale of the model home in which the temporary sales office is located.
  - 3. The passage of five (5) years from the issuance of a building permit for the model home.

**Section 206 Regulations Applicable to Residential Districts****206.01      One Principal Building Per Lot**

No more than one (1) principal building shall be permitted on any one (1) residentially zoned lot.

**206.02      Accessory Buildings and Swimming Pools in Residential Districts**

Accessory buildings and swimming pools shall not be located closer than fifteen (15) feet from the principal building and shall comply with all of the required building setbacks of the district in which it is located.

---

**Article II:****General Provisions, Site Plan Review and Conformance**

### 206.03 Garage/Yard Sales

- A. The purpose of garage/yard sales is for sale of personal property to the general public, which sale is not part of a regular business or occupation, including, but without limitation, garage sale, patio sales, yard sales, carport sales, basement sales, porch sales, estate sales and driveway sales.
- B. Sale items shall consist of only used household and personal items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant and where the sale is conducted by such occupant or friends and not by an agent or any other person to whom a commission, fee, or salary is paid. Items for sale, shall not have been purchased for resale or received on consignment for the purpose of resale.
- C. No more than four (4) garage/yard sales are permissible per household in any calendar year. The maximum duration of each sale shall be three (3) consecutive calendar days between the hours of 8:00 a.m. and sunset, prevailing time.
- D. No merchandise intended to be sold shall be displayed on the premises except for one day before and during the days of sale. All merchandise to be sold at the sale shall be displayed upon private property, and at no time shall merchandise be displayed on a public right-of-way.
- E. No amplified sounds shall be permitted in connection with the sale.
- F. Signs subject to the provisions of Article IV hereof.

### 206.04 Home Occupations

- A. It is the purpose of this Section of this Resolution to promote the public health, safety, and welfare through the regulation of Type 2 Home Occupations. It is further the intent of this Section to allow limited non-residential use of residential property, which uses are compatible with the residential character of the surroundings. This Resolution shall apply to the location, operation, and maintenance of Type 2 Home Occupations within a residential area.
- B. Type 2 Home Occupations. A Type 2 home occupation shall be permitted within any residential district of York Township, if it complies with the following requirements:
  - 1. The external appearance of the structure in which the use is conducted shall not be altered.
  - 2. Signs subject to the provisions of Article IV hereof.
  - 3. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.

4. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
5. Not more than twenty-five percent (25%) of the gross floor of the dwelling shall be devoted to the use.
6. No equipment, process, materials, or chemicals shall be used which create noise, vibrations, smoke, dust, odor, heat, glare, X-rays, radiation, or electrical disturbances which are offensive to a person of ordinary sensibility.
7. No additional parking demand shall be created.
8. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

#### 206.05 Residential Foundations

A residential building shall have a complete foundation, installed to the depth below frost line.

#### 206.06 Grandfather Clause

Residential lots platted as of 05/19/77 having a minimum width of one hundred fifty (150) feet at the street and at the building line are considered to be buildable lots and entitled to a zoning certificate provided they satisfy health department rules and regulations for installation of any on-site sanitary sewage systems.

### **Section 207 Site Plan Review And Conformance**

#### 207.01 General

All multi-family uses, commercial uses, industrial uses, and other uses as specifically required shall have a site plan approved by the Zoning Commission prior to issuance of a Zoning Certificate. Procedures, requirements, and standards for review of site plans are established below. Site plans shall be reviewed by the Zoning Commission to insure that the general requirements of this Section and the specific requirements of this Resolution are complied with in the interest of the community and surrounding development. If a site plan has been previously approved by the Zoning Commission and a new Zoning Certificate is applied for by a new owner or occupant of the premises as required by this Resolution solely for a change of permitted use not involving any exterior change of the existing structures or any material change in the use of the exterior portions of the premises lawfully used by the prior user, the Zoning Inspector, in his discretion may issue the required Zoning Certificate or refer the application to the Zoning Commission for its review.

## 207.02 Procedure

Applications for site plan review shall be submitted to the Zoning Inspector. Except as provided for in Section 207.01, before submittal to Zoning Commission for final approval, the Zoning Inspector shall submit each site plan to Township Trustees for their recommendation. Site plans shall be reviewed by the Zoning Commission at one (1) or more of its public meetings. Within 45 days after the first meeting at which the site plan is reviewed, the Zoning Commission shall approve, approve with modifications, or disapprove the site plan.

## 207.03 Application Requirements

The site plan shall be drawn to a legible scale, shall show topographical features of the lot, building placement, and activity areas, and shall include a circulation and parking plan, planting and landscape plan, and architectural drawings of the exterior of the structures. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with engineering plans for the handling of any excesses thereof. The site plan shall include drawings of accessory buildings, signs, and screening for trash or other outdoor storage areas.

## 207.04 Review Standards

Review and action on site plan applications shall be based on the following standards:

- A. The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways, and parking lots to encourage pedestrian and vehicular traffic safety on both public and private land.
- B. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas shall be so located and related so as to minimize the possibility of adverse effects upon adjacent development.
- C. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern, and character.
- D. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
- E. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through good design and use of proper building materials and landscaping.
- F. In large parking areas, visual relief shall be provided through the use of planted trees and landscaped dividers, islands, and walkways.

- G. Screening of parking areas, service areas, and refuse storage areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development.
- H. On-site traffic circulation shall be designed to make possible adequate fire and police protection.
- I. In cases of an industrial use, adequate provision shall be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable or explosive solids, liquids, gases, and oils shall not be discharged into the sanitary sewer or into water courses.
- J. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams and public streets and to minimize the possibility of erosion. The Zoning Commission may require that such grading plans be reviewed by a professional engineer with any costs borne by the developer. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.
- K. Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
- L. The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterial and collector streets.
- M. The overall development concept shall reflect the intent and recommendations of applicable comprehensive plans adopted by York Township.
- N. All lighting shall be directed away from adjacent streets or roads so as not to impair safe movement of traffic. No lighting shall shine directly on adjacent properties.

#### 207.05 Conformance with Site Plan

All aspects of the development shall conform to the approved site plan.

#### 207.06 Performance Guarantees

Any performance bond or other financial guarantee required by Resolution adopted by the York Township Trustees shall be placed on deposit with the York Township Trustees to insure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements based on an estimate approved by the York Township Trustees and shall be for a

period not to exceed three (3) years, providing for the complete construction of the improvements within that period.

#### 207.07 Issuance and Revocation of Zoning Certificate

Upon the approval of a site plan application and the deposit of any required performance bond or other financial guarantee in an appropriate amount, the Zoning Inspector shall issue a Zoning Certificate specifying the conditions of the Zoning Commission's approval. Approval by the Zoning Commission of a site plan, the issue of the Zoning Certificate, if any, however, shall be automatically terminated if construction has not begun within one (1) year after the date of the Zoning Commission's approval. At the expiration of said one (1) year period, any deposit of a performance bond or financial guarantee shall be returned to the depositor and each reapplication, thereafter, shall be accompanied by the required data and fees.

#### 207.08 Erosion Control Plan and Conformance

- A. A plan showing provisions for control of erosion and sedimentation during and after the development, construction, extraction or other use of the site shall be prepared. Such plan shall show proposals for restoration, rehabilitation, and reclamation where necessary and shall be accompanied by documentation indicating the review and recommendations on said plan by the Medina County Soil and Water Conservation District, or other governmental department having jurisdiction over the matter.
- B. This plan of erosion control will be presented at the time Zoning Certificate is applied for, or at the time of Site Plan Review. Said plan shall be reviewed by the Zoning Inspector, and a Zoning Certificate shall be approved by the Zoning Inspector only after acceptance of the plan by the Zoning Inspector as meeting all the requirements of this section.
- C. Effective erosion and sediment controls shall be planned and applied according to the following principles:
  - 1. The smallest practical area of land should be exposed at any one time during development, construction, extraction, or other use.
  - 2. When land is exposed during development, use, extraction, etc., the exposure should be kept to the shortest practical period of time.
  - 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development, use, etc.
  - 4. Sediment basins (debris basins, desalting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development, use, etc.

5. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development, use, etc.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development, use, restoration, rehabilitation, etc.
7. The development, extraction, or use plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation should be retained and protected.

## ARTICLE III

### DISTRICT REGULATIONS

#### **Section 301 R-1 Low Density Residential District**

##### **301.01 Purpose**

The purpose of the R-1 District is to accommodate residential development at a low-density that will promote the continuation of the predominantly rural residential character of York Township.

##### **301.02 Uses**

Within an R-1 Residential District, no buildings, structures, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

##### **A. Permitted Uses**

1. Single family dwelling.
2. Two-family dwelling.
3. Accessory buildings incidental to the principal use and which do not include any activity conducted as business.
4. Signs subject to the provisions of Article IV hereof.
5. Type 2 Home Occupations subject to the provisions of Section 206.04.
6. Agricultural Roadside Stands subject to the provisions of Section 205.16.
7. Conservation Developments subject to the provisions of Section 306.
8. Rear Lot Development subject to the provisions of Section 301.12.

##### **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article V.

1. Governmentally owned and/or operated recreational uses.
2. Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies and

camps but excluding miniature golf courses, drive-in theaters and commercial amusement parks.

3. Public and private schools.
4. Places of Worship.
5. Institutions for medical care; hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions.
6. Cemeteries.
7. Publicly owned and/or operated buildings and facilities other than those listed above.
8. Type 1 Home Occupations.
9. Bed and Breakfasts.

#### 301.03 Minimum Lot Area

- A. The minimum lot area for a single family dwelling shall be two and one tenth (2.1) acres exclusive of road right-of-way.
- B. The minimum lot area for a two family dwelling shall be two and six tenths (2.6) acres exclusive of road right-of-way.

#### 301.04 Minimum Lot Width at Building Line

- A. The minimum lot width at the building line for a single family dwelling shall be two hundred fifty (250) feet.
- B. The minimum lot width at the building line for a two family dwelling shall be three hundred (300) feet.

#### 301.05 Minimum Lot Frontage at Street

- A. The minimum lot frontage at the street line for a single family dwelling shall be two hundred fifty (250) feet except on cul-de-sac turn arounds where the minimum frontage shall be seventy-five (75) feet.
- B. The minimum lot frontage at the street line for a two family dwelling shall be three hundred (300) feet except on cul-de-sac turn arounds where the minimum frontage shall be one hundred (100) feet.

### 301.06 Minimum Front Yard Depth from Street Right-of-Way

Set back from the street right-of-way can not be less than one hundred (100) feet. If there is no established street right-of-way for any road or street, said line shall be deemed to be thirty (30) feet from the center line of the road.

### 301.07 Minimum Side Yard Width

There shall be a minimum side lot clearance of fifteen (15) feet from any structure, which shall remain unoccupied by any structure.

### 301.08 Minimum Rear Yard Depth

The minimum rear yard depth shall be fifteen (15) feet.

### 301.09 Minimum Living Floor Area Per Dwelling Unit

#### A. Single Family

Each single-family dwelling unit shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 1200 square feet.
2. One story structures without basement shall be a minimum of 1400 square feet.
3. Multi-story structures with basement shall be a minimum of 1600 square feet, with 900 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1800 square feet, with 900 square feet minimum living space on the first floor.

#### B. Two Family With Less Than Three Bedrooms

Each dwelling unit of a two-family dwelling structure with less than three (3) bedrooms shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 900 square feet.
2. One-story structures without basement shall be a minimum of 1000 square feet.
3. Multi-story structures with basement shall be a minimum of 900 square feet, with 600 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1000 square feet, with 600 square feet minimum living space on the first floor.

#### C. Two Family With Three or More Bedrooms

Each dwelling unit of a two-family dwelling structure having three (3) or more bedrooms shall meet the same square footage requirements as single family dwelling units as set forth in Subsection A hereof.

D. Basement Requirements

To satisfy the basement requirements of this section, the basement shall have a square footage of not less than the minimum permissible first floor living area of the dwelling or unit being constructed.

E. Measurement of Floor Area

Minimum living floor area per family shall not include porches, steps, terraces, breezeways, attached or built-in garages, or basements or other attached structures not intended for human occupancy.

301.10 Maximum Height of Buildings

A. Principal Buildings

The maximum height of a principal residential building shall be thirty-five (35) feet.

B. Accessory Structures

The maximum height of accessory buildings and/or structures shall be twenty-five (25) feet.

301.11 Parking Requirements

A. At a minimum, parking spaces shall be provided for each structure or use as provided below:

1. Single family or two family dwellings shall provide two (2) enclosed parking spaces per dwelling unit.
2. Places of worship shall provide (1) parking space per five (5) seats.
3. Public or private schools shall provide one (1) parking space per each six (6) seats in auditorium or main assembly room or one (1) per each classroom, whichever is greater.
4. Medical offices including clinics and hospitals shall provide one (1) parking space per 200 square feet of floor area.
5. Nursing homes shall provide one (1) parking space per each bed.
6. Swimming pools, public facility or club shall provide one (1) space per five (5) persons capacity plus one (1) per four (4) seats.
7. Golf courses shall provide ten (10) spaces per golf course hole.

B. Parking areas for non-residential uses shall be separated from the street right-of-way and adjacent lot lines by a twenty (20) foot strip of land, landscaped and appropriately maintained.

301.12 Rear Lot Development Requirements

- A. The minimum area for a Rear Lot shall be five (5) acres, exclusive of Lot Access.
- B. Two family dwellings shall not be permitted on a Rear Lot.
- C. A Rear Lot behind a Rear Lot shall not be permitted.
- D. The minimum Rear Lot width at the building line shall be four hundred (400) feet.

- E. All buildings and structures shall be located to provide maximum privacy for adjacent lots. Minimum set back from rear line of adjacent frontage lots shall be one hundred (100) feet. All other set backs shall be as defined in Section 301.
- F. The minimum Lot Access width from street to Rear Lot shall be forty (40) feet and shall be free of any structures.
- G. Lot Access shall be part of the main parcel such that only one (1) parcel is created, with the requirements provided by law for deeds, and shall be filed with the Recorder of Medina County for record.
- H. There shall be no more than two (2) abutting Rear Lot Accesses.
- I. All applications for a Zoning Certificate for a Rear Lot shall have attached the following acknowledgment, signed by the applicant(s). The undersigned grantee(s) hereby acknowledge(s) that the premises described in the attached application is located upon a non-dedicated easement of access, and further the grantee(s) understand(s) that no governmental body is responsible for care and maintenance of access.
- J. A copy of each application for a Rear Lot Zoning Certificate shall be forwarded to the Fire Chief for his review. The Zoning Inspector shall consider the Chief's recommendation in reaching his/her determination upon the application.
- K. The Rear Lot plan filed with the application for Zoning Certificate shall clearly show the delineation between the rear lot and the lot access.
- L. Once a Zoning Certificate for a rear lot has been issued by the Zoning Inspector and the rear lot has been created, zoning certificates and/or permits for additional structures and/or uses otherwise permitted in an R-1 Residential District that do not violate the terms of this Section may be issued by the Zoning Inspector in the same manner as all other zoning certificates.

**Section 302 R-2 Medium Density Residential District****302.01 Purpose**

The purpose of this district is to accommodate a more dense style of residential development than provided in the Township's R-1 zones, in areas which will not adversely affect the township's rural character.

**302.02 Uses**

Within an R-2 Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

1. Single-family dwelling.
2. Two-family dwelling.
3. Accessory building incidental to the principal use and which does not include any activity conducted as a business.
4. Signs subject to the provisions of Article IV hereof.
5. Planned Development Overlays subject to the provisions of Section 302.12 hereof.

**B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article V:

1. Governmentally owned and/or operated recreational areas.
2. Recreational uses other than those governmentally owned and/or operated such as, swimming pools, golf courses, tennis clubs, riding academies but excluding miniature golf courses, drive-in theaters and commercial amusement parks.
3. Public and private schools.
4. Institutions for medical care; hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions.
5. Cemeteries.

6. Publicly owned and/or operated buildings and facilities other than those listed above.

#### 302.03 Minimum Lot Area

- A. The minimum lot area for a single-family dwelling shall be twenty-two thousand, five hundred (22,500) square feet exclusive of road right-of-way.
- B. The minimum lot area for a two-family dwelling shall be forty five thousand (45,000) square feet exclusive of road right-of-way.

#### 302.04 Minimum Lot Width at Building Line

- A. The minimum lot width at the building line for a single family dwelling shall be one hundred (100) feet.
- B. The minimum lot width at the building line for a two-family dwelling shall be one hundred fifty (150) feet.

#### 302.05 Minimum Lot Frontage at Street

- A. The minimum lot frontage at the street line for a single-family dwelling shall be one hundred (100) feet except on-cul-de-sac turn arounds where the minimum frontage shall be fifty (50) feet.
- B. The minimum lot frontage at the street line for two-family dwelling shall be one hundred fifty (150) feet except on-cul-de-sac turn arounds where the minimum frontage shall be seventy five (75) feet.

#### 302.06 Minimum Front Yard Depth from Street Right-of-way

The minimum front yard depth from the street right-of-way shall be forty (40) feet except that dwelling units fronting on a state highway shall be setback from the street right-of-way not less than fifty (50) feet. If there is no established street right-of-way for any road or street, said line shall be deemed to be thirty (30) feet from the center line of the road.

#### 302.07 Minimum Side Yard Width

The two (2) side yards shall total not less than twenty (20) feet. The width of the narrowest of the two (2) side yards shall not be less than eight (8) feet.

#### 302.08 Minimum Rear Yard Depth

The minimum rear yard depth shall be fifteen (15) feet.

#### 302.09 Minimum Living Floor Area Per Dwelling Unit

A. Single Family.

Each single-family dwelling unit shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 1200 square feet.
2. One story structures without basement shall be a minimum of 1400 square feet.
3. Multi-story structures with basement shall be a minimum of 1600 square feet, with 900 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1800 square feet, with 900 square feet minimum living space on the first floor.

B. Two Family With Less Than Three Bedrooms

Each dwelling unit of a two-family dwelling structure with less than three (3) bedrooms shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 900 square feet.
2. One-story structures without basement shall be a minimum of 1000 square feet.
3. Multi-story structures with basement shall be a minimum of 900 square feet, with 600 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1000 square feet, with 600 square feet minimum living space on the first floor.

C. Two Family With Three or More Bedrooms

Each dwelling unit of a two-family dwelling structure having three (3) or more bedrooms shall meet the same square footage requirements as single family dwelling units as set forth in Subsection A hereof.

D. Basement Requirements

To satisfy the basement requirements of this section, the basement shall have a square footage of not less than the minimum permissible first floor living area of the dwelling or unit being constructed.

E. Measurement of Floor Area

Minimum living floor area per family shall not include porches, steps, terraces, breezeways, attached or built-in garages, or basements or other attached structures not intended for human occupancy.

302.10 Maximum Height of Buildings

A. Principal Buildings

The maximum height of a principal residential building shall be thirty-five (35) feet.

B. Accessory Structures

The maximum height of accessory buildings and/or structures shall be twenty-five (25) feet.

### 302.11 Parking Requirements

- A. At a minimum, parking spaces shall be provided for each structure or use as provided below:
1. Single family or two family dwellings shall provide two (2) enclosed parking spaces per dwelling unit.
  2. Places of worship shall provide (1) parking space per five (5) seats.
  3. Public or private schools shall provide one (1) parking space per each six (6) seats in auditorium or main assembly room or one (1) per each classroom, whichever is greater.
  4. Medical offices including clinics and hospitals shall provide one (1) parking space per 200 square feet of floor area.
  5. Nursing homes shall provide one (1) parking space per each bed.
  6. Swimming pools, public facility or club shall provide one (1) space per five (5) persons capacity plus one (1) per four (4) seats.
  7. Golf courses shall provide ten (10) spaces per golf course hole.
- B. Parking areas for non-residential uses shall be separated from the street right-of-way and adjacent lot lines by a twenty (20) foot strip of land, landscaped and appropriately maintained.

### 302.12 Planned Development Overlay

- A. Purpose and Intent  
Planned Development Overlays are established pursuant to Section 519.021 of the Ohio Revised Code for the purposes of:
1. providing for alternative designs which encourage the efficient use of land and resources;
  2. promoting greater efficiency in the provision of public services and utilities;
  3. encouraging innovative design and planning of developments;
  4. encouraging environmentally sensitive design, minimize development impacts on adjacent properties;
  5. preserving significant amounts of permanent open space; and
  6. providing for public park and recreation space in areas of the Township with more intensive development.
- It is further intended that such alternative form of development only be permitted as part of a larger Planned Unit Development designed, approved and constructed in conformance with the provisions of Section 307 of this Zoning Resolution.
- B. Establishment of Planned Development Overlays  
A Planned Development Overlay shall only be permitted where such development conforms to each of the following criteria:
1. A Planned Development Overlay shall only be established adjacent to and as an integral part of a Planned Unit Development (PUD) created in an R-1 Low Density Residential / PUD Planned Unit Development Overlay District pursuant to the provisions of Section 307 of this Zoning Resolution; and

2. All of the land area of the Planned Development Overlay and of the larger Planned Unit Development (PUD) shall be under single ownership; and
3. The Planned Development Overlay is served by an approved public water supply system and an approved public sanitary sewer system; and
4. The R-2 Planned Development Overlay portion of the PUD contains a minimum of twenty (20) contiguous acres; and
5. The Planned Development Overlay is in accordance with a development plan which conforms to the design standards and other provisions set forth herein and has been duly approved by the Township Trustees pursuant to the provisions of Section 307.04 of this Zoning Resolution; and
6. The applicant can demonstrate to the satisfaction of the Township Trustees that the proposed Planned Development Overlay will result in a more useful, appropriate, desirable, and harmonious development than would be possible if the property were developed in accordance with the standard provisions of the R-2 Medium Density Residential District.

C. Permitted Uses

Within a Planned Development Overlay and the larger Planned Unit Development (PUD) of which the Planned Development Overlay is an integral part no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted or accessory and further provided that each such use is identified on and approved as part of the development plan:

1. Permitted Uses

- a. Detached Single Family Dwellings
- b. Attached Single Family Dwellings, provided that not more than two (2) such dwelling units shall be attached in any single building
- c. Public or private parks and recreation facilities, including community centers, swimming pools, and tennis courts
- d. Public Facilities

2. Accessory Uses

- a. Detached Garages
- b. Common and/or Guest Parking Areas
- c. Detached Storage Buildings, provided that the maximum size of such buildings shall be as established by the Township Trustees as part of the Final Development Plan approval.
- d. Fences
- e. Signs subject to the provisions of Article IV hereof

D. Design Standards

In lieu of the provisions contained in Sections 302.03 through 302.11, Planned Development Overlays shall comply with the following minimum standards:

1. Dwelling units may be located anywhere in the PUD, however, the maximum density of dwelling units in the PUD shall not exceed 1.7 dwelling units per gross acre of land located within the R-2 Zoning District portion of the PUD

and 1.0 dwelling units per gross acre of land located within the R-1 Zoning District portion of the PUD.

2. Planned Development Overlays shall conform to the Development Standards for Planned Unit Developments as set forth in Sections 307.06(B) through 307.06(O) inclusive.
3. A minimum of sixty percent (60%) of the permanent open space required by Section 307.06(B)(1) shall be dedicated to public use as park and/or recreation lands and shall be transferred to either York Township or the Medina County Park District, as directed by the Township Trustees, upon recordation of the initial phase of development.
4. Any remaining land used for open space shall be deeded to a homeowner's association and held in perpetuity. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other legal agreement in a form acceptable to the Township's legal advisor and duly recorded in the office of the Recorder of Deeds of Medina County.

E. Application Requirements and Procedures

1. Property owners who wish to develop their land as a Planned Development Overlay shall make application for such use as part of an application for a Planned Unit Development pursuant to the provisions of Section 307.04 of this Zoning Resolution. The General Development Plan for the Planned Unit Development must incorporate the R-2 Planned Development Overlay as an integral part of the PUD.
2. The requirements of Sections 307.07 through 307.09 shall apply to the Planned Development Overlay portion of the PUD.

**Section 303 C-1 Commercial District****303.01 Purpose**

This district is established to provide for uses which principally accommodate the sale of retail goods and personal services. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**303.02 Uses**

Within a C-1 Commercial District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

**A. Permitted Uses**

1. Banks and Financial Institutions
2. Business Services
3. Day Care Centers for Children and Adults
4. Exercise and Athletic Facilities
5. Hardware, Building Supply, and Lumber Yards
6. Health Spas
7. Hotels and Motels
8. Mortuaries; Funeral Homes
9. Nurseries and Garden Centers
10. Offices
11. Personal Services
12. Photo, Art, and Dance Studios
13. Places of Worship
14. Printing, Publishing and Copy Service Facilities
15. Public Parks and Recreational Facilities
16. Public Service Facilities
17. Restaurants and Coffee Shops
18. Retail Stores
19. Sales, Rental, Service and Repair of Vehicles, Machinery, and Equipment
20. Schools and Training Facilities
21. Taverns

**B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article V:

1. Drive-in or Drive-thru facilities
2. Gasoline Service Stations
3. Kennels; Animal Shelters; Pet Spas; Pet Salons, Grooming Facilities
4. Medical Clinics and Ambulatory Care Facilities

5. Nursing Homes and Assisted Living Facilities
6. Party Centers
7. Recreation and Entertainment Facilities
8. Similar Uses pursuant to Section 506.09

C. Accessory Uses

1. Accessory Buildings and Structures
2. Fences
3. Outdoor Display Areas subject to the provisions of Section 303.13
4. Parking subject to the provisions of Section 303.11
5. Satellite Dishes
6. Signs subject to the provisions of Article IV hereof

303.03 Minimum Lot Area

There shall be no minimum lot area in the C-1 Commercial District, except as required by the Medina County Health Department or Ohio EPA for installation of an on site sewage treatment system. Written approval from the applicable County or State authority for the installation of an on-site sewage treatment system shall be required prior to the issuance of a Zoning Certificate.

303.04 Minimum Lot Width at Building Line

The minimum lot width at the building line shall be two hundred (200) feet.

303.05 Minimum Lot Frontage at Street

The minimum lot frontage at the street line shall be two hundred (200) feet.

303.06 Minimum Front Yard Depth from Street Right-of-Way

The minimum front yard depth from the street right-of-way shall be eighty (80) feet. If there is no established right-of-way for any road or street, said line shall be deemed to be forty (40) feet from the center line of the road.

303.07 Minimum Side Yard Width

The minimum side yard width shall be thirty-five (35) feet, except there shall be a minimum side yard buffer of fifty (50) feet of landscaped and planted material for each side yard adjacent to a residential district.

303.08 Minimum Rear Yard Depth

The minimum rear yard depth shall be fifty (50) feet, except there shall be a rear yard buffer of fifty (50) feet of landscaped and planted material when adjacent to a residential district.

### 303.09 Minimum Floor Area

There shall be no minimum floor area in the C-1 Commercial District.

### 303.10 Maximum Height of Buildings

The maximum height of buildings shall be thirty-five (35) feet.

### 303.11 Parking and Loading

#### A. Parking

1. Sufficient parking facilities shall be provided outside the street right-of-way; the nearest edge of such facilities shall be within two hundred (200) feet of the principal permitted use or building.
2. At a minimum, parking spaces shall be provided for each structure or use as provided below:
  - a) Retail business uses shall provide one (1) parking space per 200 square feet of floor area.
  - b) Offices shall provide one (1) parking space per 250 square feet of floor area.
  - c) Medical offices shall provide (1) parking space per 200 square feet of floor area.
  - d) Restaurants shall provide one (1) parking space per fifty (50) square feet of dining floor area.
  - e) Places of worship shall provide (1) parking space per five (5) seats.
  - f) Public or private schools shall provide one (1) parking space per each six (6) seats in auditorium or main assembly room or one (1) per each classroom, whichever is greater.
3. All parking areas shall be separated from the street right-of way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

#### B. Loading

Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

### 303.12 Maximum Impervious Area

Maximum impervious surface coverage shall not exceed sixty percent (60%) of the total lot area.

### 303.13 Outdoor Display Areas

Merchandise to be sold at retail on the premises may be displayed outdoors, except that no such display area shall be within fifty (50) feet of any residential district nor within twenty (20) feet of any street right-of-way. Display areas shall be screened from abutting residential districts by a

twenty (20) foot landscaped strip sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

**Section 304 I-1 Industrial District****304.01 Purpose**

The purpose of the I-1 Industrial District is to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses.

**304.02 Uses**

Within an industrial district, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

**A. Permitted Uses**

1. Business Services
2. Contractors Yards
3. Hardware, Building Supply Stores and Lumber Yards
4. Light Manufacturing, Fabrication, and Assembly
5. Nurseries and Garden Centers
6. Offices
7. Printing, Publishing and Copy Service Facilities
8. Public Service Facilities
9. Vehicle, Machinery, and Equipment Sales, Rental, Service and Repair
10. Warehousing and Storage
11. Wholesale Operations

**B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article V:

1. Party Centers
2. Research and Testing Facilities
3. Veterinary Animal Hospitals/Clinics
4. Similar Uses pursuant to Section 506.09

**C. Accessory Uses**

1. Accessory Buildings and Structures
2. Fences
3. Outdoor storage of building materials, construction equipment, and goods for distribution shall be permitted provided that the outdoor storage area is a least two hundred (200) feet from the nearest residential district, or the outdoor storage area is separated from the residential district by a six (6) foot high solid fence or wall.
4. Parking subject to the provisions of Section 304.11
5. Satellite Dishes

6. Signs subject to the provisions of Article IV hereof

304.03 Minimum Lot Area

There shall be no minimum lot area in an I-1 Industrial District.

304.04 Minimum Lot Width at Building Line

The minimum lot width at the building line shall be two hundred (200) feet.

304.05 Minimum Lot Frontage at Street

The minimum lot frontage at the street line shall be two hundred (200) feet.

304.06 Minimum Front Yard Depth-From Street Right-of-Way

The minimum front yard depth from the street right-of-way shall be eighty (80) feet. If there is no established right-of-way for any road or street, said line shall be deemed to be forty (40) feet from the center line of the road.

304.07 Minimum Side Yard Width

The minimum side yard width shall be fifty (50) feet on each side, except there shall be a minimum side yard buffer of one hundred (100) feet of landscaped and planted material for each side yard adjacent to a residential district.

304.08 Minimum Rear Yard Depth

The minimum rear yard depth shall be one hundred (100) feet except there shall be a rear yard buffer of one hundred (100) feet of landscaped and planted material when adjacent to a residential district.

304.09 Minimum Floor Area

There shall be no minimum floor area in the I-1 Industrial District.

304.10 Maximum Height of Buildings

The maximum height of buildings shall be thirty-five (35) feet.

304.11 Parking and Loading

A. Parking

1. There shall be sufficient parking facilities outside the street right-of-way to meet all the parking needs. Industrial and manufacturing uses shall have one (1) parking space per 750 square feet of floor area.

2. All parking areas shall be separated from the street right-of-way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

B. Loading

Every building used for industrial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way. Loading spaces as required under this Section shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking spaces.

304.12 Maximum Impervious Area

Maximum impervious surface coverage shall not exceed sixty percent (60%) of the total lot area.

**Section 305 M-U Multi -Use District****305.01 Purpose**

The purpose of the M-U Multi-Use District is to provide for the consolidation of Industrial and Commercial Districts where historically cross-development has occurred and clear distinctions between commercial and industrial uses no longer exist.

**305.02 Uses****A. Permitted Uses**

Within a Multi -Use District, any permitted use in a C-1 Commercial District or an I-1 Industrial District shall be a permitted use.

**B. Conditionally Permitted Uses**

Any conditionally permitted use in a C-1 Commercial District or an I-1 Industrial Use shall be a conditionally permitted use.

**C. Accessory Uses**

Any accessory use in a C-1 Commercial District or an I-1 District shall be permitted as an accessory use.

**305.03 Commercial Uses**

All permitted commercial uses shall meet the requirements for such uses as set forth in Section 303.

**305.04 Industrial Uses**

All permitted industrial uses shall meet the requirements for such uses as set forth in Section 304.

**305.05 Applicable Requirements**

When more than one (1) set of requirements is applicable to a specific use, the stricter shall govern.

**Section 306 Conservation Development Overlay District****306.01 Purpose**

The primary objective of the Conservation Development Overlay District 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 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 are intended to provide an alternative method of development solely at the option of the developer and are not intended to be a replacement for existing R-1 zoning regulations.

These regulations are intended to achieve these corollary purposes:

- A. 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 the use of invasive vegetation; and
  - 5. Conserving areas of prime agricultural soils, to the extent possible.
- B. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:
  - 1. Large, aggregated, undeveloped land areas;
  - 2. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;
  - 3. Scenic vistas and rural views;
  - 4. Significant historic features such as old barns, heritage trees, etc.;
  - 5. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or
  - 6. Appropriate topographic or vegetative screening.
- C. To encourage more efficient use of land and public services through unified development.
- D. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- E. 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.

### 306.02 Permitted Uses

The following uses shall be permitted in the R-I Low Density Residential District based on the type of development proposed:

- A. Conservation Development in accordance with the regulations set forth in Sections 306.03 through 306.08 inclusive:
  - 1. Detached single-family dwellings;
  - 2. Recreation facilities for use by residents;
  - 3. Restricted open space as required in Section 306.04
  - 4. Accessory buildings;
  - 5. Single-family cluster dwellings.

### 306.03 Minimum Project Area for Conservation Development

- A. The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of twenty five (25) acres, but shall not include area within any existing public street rights-of-way.
- B. The area proposed shall be in one (1) ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

### 306.04 Permitted Density/Restricted Open Space

- A. The minimum restricted open space shall be forty percent (40%) of the total project area.
- B. The maximum density in a conservation development shall not exceed one (1) dwelling unit per three (3.0) acres of the total project area.

### 306.05 Regulations for Restricted Open Space

- A. General Standards: The restricted open space required in Section 306.04 shall comply with the following:
  - 1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
  - 2. Areas designated for restricted open space purposes may be:
    - a) Preserved in its natural state,
    - b) Designed and intended for the use and/or enjoyment of residents of the proposed development,
    - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
  - 3. Restricted open space shall be interconnected with open space areas on abutting parcels where possible.
  - 4. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where

such facilities are so located, easements satisfactory to the Medina County Health Department shall be established to require and enable maintenance of such facilities by the appropriate parties.

5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
  - a) Private roads and public road rights-of-way;
  - b) Parking areas, accessways and driveways within open space areas.
  - c) Other small fragmented or isolated open space areas that have a dimension less than one hundred (100) feet in any direction.
6. 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 restricted open space that may be developed for active recreation areas, including a community center, shall be twenty percent (20%) of the total project area.
7. 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.
8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.

**B. 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's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Medina County.

**C. 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, or may remain in private ownership.

1. 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.
2. Associations. Restricted open space may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
  - a) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
  - b) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
3. 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 ORC § 5301.67-70, grant a conservation easement to any of the entities listed in ORC § 5301.68, provided that:

- a) The entity is acceptable to the township;
  - b) The provisions of the conservation easement are acceptable to the township; and
  - c) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

#### 306.06 Development and Site Planning Standards

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

A. Ownership.

Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, 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.

B. Lot Requirements.

1. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster dwelling 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.
2. 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.

C. Perimeter Building Regulations

1. The minimum setback from an existing street right-of-way shall be one hundred (100) feet.
2. The minimum setback from the project boundary shall be fifteen (15) feet.

D. Interior Building Setback/Spacing Regulations

1. The minimum setback from a proposed interior street right-of-way shall be seventy five (75) feet.
2. The minimum side yard and rear yard setbacks shall be as provided in Sections 301.07 and 301.08.

3. The minimum separation between dwellings shall be thirty (30) feet.
- E. Height  
The maximum height of buildings shall be as provided in Section 301.10. .
- F. Resource Protection Regulations
1. Floodway Protection. All buildings, structures or land within a floodway shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below.
    - a) Agriculture;
    - b) Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;
    - c) Fencing that allows the passage of water.
    - d) Off-street parking areas accessory to the above uses 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.
  2. Wetlands Protection. Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:
    - a) A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
    - b) A minimum building and pavement setback of thirty five (35) feet, measured from the edge of the designated wetland.
  3. Conservation of Riparian Zones:
    - a) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank.
    - b) Walkways or trails may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.
  4. Tree or Woodland Inventory. Developer shall hire a certified arborist to inventory woodland of existing live trees over ten (10) inch diameter that are to be removed for development. Developer shall include a replacement for each ten (10) inch diameter tree removed with a minimum two (2) inch diameter tree of similar species in the landscaping plans for the open space areas. The diameter of the trunk of a tree shall be measured at a height of 4.5 feet above the natural grade. If the tree splits into multiple trunks below 4.5 feet, the trunk shall be measured at its most narrow point beneath the split.
- G. General Street Design Criteria

1. Street alignments should follow natural contours and be designed to conserve natural features. Stub streets should be eliminated unless development of adjacent land is demonstrated by clear and convincing evidence.
2. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.
3. 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.

H. Pedestrian Circulation Systems

1. 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.
2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

I. Sewage Disposal

Development shall be served by individual or public sewage disposal structures consistent with the Medina County systems. Individual sewage disposal systems shall comply with all applicable regulations of the Medina County Health District and may be located within restricted open space areas when approved by the Township and the Medina County Health District.

306.07 Development Design Criteria

In addition to the development and site planning standards set forth in Section 306.06, 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, historic and cultural features and meet the objectives of this district.

A. 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.

B. 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 tree lines between fields or meadows, especially those containing significant wildlife habitats.

C. 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.

D. Conservation of Prime Farmland

Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.

E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment

Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

F. 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 stonewalls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

306.08 Project Review Procedures

Under the authority established in ORC §519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section.

A. Submission of General Development Plan

The applicant shall submit a Preliminary 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:

1. Identification of existing site characteristics, including a general depiction of:
  - a) Boundaries of the area proposed for development, dimensions and total acreage;
  - b) Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features;
  - c) Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
  - d) Existing soil classifications;
  - e) Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
  - f) Delineation of existing drainage patterns on the property, existing wells and well sites;
  - g) Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
  - h) Description of all structures and areas of known or potential historical significance; and
  - i) Existing viewsheds and identification of unique vistas;
  - j) Utility lines, gas and oil wells, pipelines and railroad tracks.
2. The preliminary site plan shall be drawn at a scale not less than 1" = 100', except that projects over two hundred (200) acres may be drawn at a scale of 1" = 200', and shall include:
  - a) 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;
  - b) A layout of proposed residential lots;
  - c) The location of the restricted open space and any proposed recreational facilities;
  - d) Natural features to be conserved and any required buffer areas;

- e) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
  - f) General location of public street rights-of-way; and
  - g) Proposed utility easement locations.
3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
- a) The structure of the Association;
  - b) Membership requirements;
  - c) Financial responsibilities; and
  - d) The relationship of the entity to public agencies having responsibilities related to the project.
4. A description of the project phasing including the phased construction of open space improvements.

B. Review For Completeness

Within five (5) 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.

C. Review of General Development Plan by Others

The developer shall distribute the preliminary development plan application to the following for review and comment.

- 1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Medina County Planning Commission, the Medina County Health Department, the Medina County Engineer, the Medina County Sanitary Engineer and the Medina County Soil and Water District.
- 2. Members of the York Township Zoning Commission
- 3. The Trustees of York Township
- 4. Consultants retained by the township.
- 5. All comments shall be returned to the secretary of the York Township Zoning Commission within thirty (30) days from the date distributed.

D. Site Visit

The Township Zoning Commission may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

E. Review and Approval by Township

The Township Zoning Commission shall review the preliminary development plan and the comments received from Section C above, at its next regularly scheduled meeting after the time for comment has expired.

The Township Zoning Commission shall take action on the submitted preliminary development plan by either:

1. Approving the preliminary development plan as submitted; or
2. Conditionally approve the preliminary development plan subject to changes to be made by the applicant by agreement between the board and the applicant to bring the plan into conformance with this Resolution; or
3. Denying approval of the preliminary development plan.
4. Failure of the Zoning Commission to act within ninety (90) 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 preliminary development plan.

F. Significance of Approved Plan

Approval of the preliminary development plan shall:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Be the basis for the applicant to proceed with more detailed planning and engineering plans required by the Medina County Subdivision Regulations in reliance on the approved preliminary development plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the preliminary development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved preliminary development plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

G. Procedure after Approval of Preliminary Development Plan

1. After the preliminary development has been approved by the Zoning Commission, the applicant shall proceed to process the development for County subdivision approval in accordance with the Medina County Subdivision Regulations.
2. The Final subdivision plat and development plans approved by the Medina County Planning Commission, together with all documents and agreements relating to the use and preservation of the open space, homeowners association, street design, dedications, restrictive covenants, maintenance agreements and/or conservation easements, and all required deposits and fees shall be submitted to the Zoning Inspector for Final Development Plan approval by the Township Trustees.

H. Final Development Plan Approval

1. The Township Trustees may attach, such conditions to the approval of a Final Development Plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of comprehensive, strategic, or area plans adopted by the Township. The Township Trustees shall act upon each Final Development Plan submitted within sixty (60) days of receipt of a complete application and development plan provided.

- However, that said time period may be extended by the Trustees with the consent of the applicant.
2. Upon approval of a Final Development Plan by the Township Trustees, the Township Trustees shall endorse the final subdivision plat for filing with the Medina County Recorder.
  3. A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Medina County Sanitary Engineer or the Medina County Engineer, for certain improvements, such arrangements shall be deemed to meet the requirement of this provision for such improvements so that no dual bonding or guarantee of specific improvements is required.

**Section 307 R-1 Low Density Residential / PUD Planned Unit Development Overlay District****307.01 Purpose and Intent**

The purpose of this chapter is to establish provisions for planned districts subject to the regulations and procedures herein in conformance with the provisions of Section 519.021(C) of the Ohio Revised Code. Planned Unit Developments (PUD) are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted in traditional districts.

The suspension of the underlying traditional R-1 Low Density Residential District zoning provisions within Planned Unit Development overlays is intended to:

- A. encourage creative, high quality site design practices in the development of residential areas;
- B. promote harmony and integration with existing developments and protect adjoining properties from adverse impacts;
- C. promote safe and efficient pedestrian and vehicular movement;
- D. promote efficient layout of infrastructure;
- E. protect and enhance natural and historic resources;
- F. create attractive and useful public and private spaces; and
- G. implement comprehensive, strategic, or area plans which may be adopted by the Township Trustees.
- H. preserve the rural image along Marks Road, Abbeyville Road, and those portions of Fenn Road, Spieth Road, Hamilton Road, and Wolff Road within the R-1/PUD Overlay District.

**307.02 Establishment of Planned Unit Developments**

The following shall govern the establishment of any Planned Unit Development (PUD):

- A. No PUD shall be established except subsequent to petition by the owner(s) of land located within the R-1/PUD Overlay District.
- B. No PUD shall be created unless a determination is made that such development is within the designated R-1/PUD Overlay District as shown on the Zoning District Map of York Township and the plan is in conformance with the provisions hereof.
- C. Each PUD shall be served by an approved public water supply system and an approved public sanitary sewer system.
- D. Each PUD shall have a minimum area of not less than twenty (20) contiguous acres, provided however, that after a PUD is established, additional contiguous areas of any size may be added as modifications and extensions of the original PUD.
- E. No PUD shall be established which does not preserve significant open space along existing public rights-of-way and protect sensitive environmental areas.
- F. Each Planned Unit Development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

- G. Until such time as a property owner applies for and receives approval for development of a PUD as provided herein, the underlying provisions of the R-1 Low Density Residential District shall apply.
- H. Upon approval by the Township Trustees of a PUD application and plan, a notation shall be placed on the Zoning District Map to reflect such approval and that the provisions of the R-1 Low Density Residential District no longer apply to land contained within the PUD.

### 307.03 Permitted Uses

Within a Planned Unit Development no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted, conditionally permitted, or accessory and further provided that each such use is identified on and approved as part of the development plan:

#### A. Permitted Uses

- 1. Detached Single Family Dwellings
- 2. Attached Single Family Dwellings, provided that not more than two (2) such dwelling units shall be attached in any single building
- 3. Public or private parks and recreation facilities, including golf courses, club houses, swimming pools, and tennis courts
- 4. Public Facilities

#### B. Accessory Uses

- 1. Detached Garages
- 2. Common and/or Guest Parking Areas
- 3. Detached Storage Buildings, provided that the maximum size of such buildings shall be as established by the Township Trustees as part of the Final Development Plan approval.
- 4. Fences
- 5. Type 2 Home Occupations subject to the provisions of Section 206.04 of this Zoning Resolution
- 6. Signs subject to the provisions of Article IV hereof

The Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein.

The Trustees shall have the authority to deny approval for any proposed use where such use is determined to be inappropriate as proposed.

### 307.04 Application Requirements and Procedures

Property owners who wish to develop their land as a Planned Unit Development shall make application for approval pursuant to the provisions set forth herein. Applications to subject land to these Planned Unit Development regulations shall be heard and action taken by the Trustees in accordance with the procedures and provisions set forth.

A. Pre-application Meeting

Prior to the submission of an application and development plan for a Planned Unit Development, applicants shall notify the Zoning Inspector of their intent to file an application and request to be scheduled on the next available meeting agenda for the Board of Township Trustees. The applicant shall appear before the Township Trustees and may present a preliminary sketch or concept plan of his proposed Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD process, and to review the applicant's proposed general approach to development of the site. As part of the pre-application discussion, the Township Trustees may make comments, suggestions, recommendations, and observations regarding the applicant's sketch plan and development concept, however no action shall be taken by the Board of Township Trustees, and their comments, suggestions, recommendations, and observations shall not be relied upon by the applicant as indicative of any subsequent approval or denial.

B. Application and General Development Plan Submission

Subsequent to the Pre-application Meeting with the Township Trustees, each applicant for a Planned Unit Development shall submit an application for General Development Plan approval to the Township Zoning Inspector. Applications shall be made a least ten (10) days in advance of the meeting at which they are to be considered and shall include twelve (12) copies of the following minimum information:

1. A General Development Plan conforming to the requirements of Section 307.05(B) of this Zoning Resolution.
2. Information regarding the nature, distribution, and volume of vehicular traffic projected to be generated by the proposed development and the capacity of the existing roadways to accommodate that traffic.
3. An estimate of the proposed project's demand for water and sanitary sewer services and verification of the availability of adequate treatment and transmission capacities to meet the projected needs.
4. Information regarding the applicant's proposed standards for development and future use of the Planned Unit Development including the intended method of providing for ownership, perpetual maintenance responsibility, and financing for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities.
5. Fees and deposits in conformance with the provisions of Section 307.09.

C. Review and Approval of General Development Plans

Upon receipt of a complete application for General Development Plan approval as set forth in Section 307.04(B), the Zoning Inspector shall forward copies to the Township Trustees and such other officials or advisors as the Trustees may from time to time designate. The Board of Township Trustees shall schedule the application to be heard at their next general meeting occurring at least ten (10) days subsequent to filing of the complete application at which time the applicant shall be provided an opportunity to present the proposed Planned Unit Development.

D. Review Criteria for General Development Plans

When reviewing an application for a Planned Unit Development, the Board of Township Trustees shall consider, but shall not be limited to consideration of, the following characteristics of the proposed development:

1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts;
2. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
3. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
4. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit;
5. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design;
6. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
7. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
8. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
9. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering, particularly perimeter buffer;
10. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
11. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
12. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal

statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements; and

13. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

E. Submission of Final Development Plans

Final Development Plans submitted to the Board of Township Trustees for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least ten (10) working days prior to the meeting at which said plans will be reviewed by the Township Trustees. A minimum of twelve (12) copies shall be submitted. Submission shall include fees and deposits as established by the Township Trustees.

F. Subdivision Compliance

Planned Unit Developments intended to include individual building lots with fee simple ownership, shall make concurrent application for approval of such subdivision by Medina County.

G. Approval of Final Development Plans

The Township Trustees may attach, such conditions to the approval of a Final Development Plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of comprehensive, strategic, or area plans adopted by the Township. The Township Trustees shall act upon each Final Development Plan submitted within sixty (60) day of receipt of a complete application and development plan provided, however, that said time period may be extended by the Trustees with the consent of the applicant. Approval of a Final Development Plan shall be conditioned upon satisfactory compliance with Section 307.04(H).

H. Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Medina County Sanitary Engineer or the Medina County Engineer, for certain improvements, such arrangements shall be deemed to

meet the requirement of this provision for such improvements so that no dual bonding of specific improvements is required.

I. Compliance Required

Subsequent to the approval of a Planned Unit Development plan, all subdivision plats, site plans, building permits, Zoning Certificates, and other plans for improvements and any development or construction within the PUD shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by the Township in approving the PUD. Any departure from the approved Final Development Plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for Zoning Certificate, development or construction may not be in compliance with the Final Development Plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.

J. Amendments to Final Development Plans

The owner of an approved Planned Unit Development may submit plans for amendment of the approved Final Development Plan. The Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the General Development Plan. If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved General Development Plan for the PUD, then the amendment shall be disapproved and the applicant directed to proceed as if requesting a new PUD.

### 307.05 Development Plan Requirements

A. Development Plans Required

Submission of development plans is required for all Planned Unit Development projects. A General Development Plan for the entire project shall be submitted. If the General Development Plan is approved, subsequent development of the property shall be made only in substantial conformance to said approved General Development Plan. After a General Development Plan has been approved for the entire project, the applicant shall submit a Final Development Plan for review and approval.

B. General Development Plan Requirements

Each application for General Development Plan review shall include twelve (12) copies of a plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two foot (2') contour interval;

5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. General concept plans for landscaping and buffering;
14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units;
15. The location, width, names, and grades of existing and proposed streets.
16. Typical sections for all proposed streets;
17. Proposed phases if the project is to be developed in stages;
18. The location and sizes of any proposed fee simple building lots; and
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type.

C. Final Development Plan Requirements

Final Development Plans shall be prepared by persons professionally qualified to do such work. Final Development Plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final Development Plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.

Final Development Plans shall include detailed design information for all of the items contained on General Development Plans but shall also include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping and buffering plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan; and
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses.

### 307.06 Development Standards

The following development standards shall apply to all Planned Unit Developments:

A. Density of Dwelling Units

The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than one (1) dwelling unit per gross acre of the Planned Unit Development.

B. Open Space Requirements

1. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than forty percent (40%) of the total land area of the Planned Unit Development. Common open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the PUD and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
2. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area. Parking areas, drive aisles and other similar features may be counted as part of the open space requirement when they serve the recreation use and areas.
3. Water surface of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not constitute more than one-half (1/2) of the required common open space requirement for any Planned Unit Development unless specifically authorized by the Board of Township Trustees.
4. The ownership of all common open space areas, vegetative buffers, fences, ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the PUD. The perpetual maintenance plan shall identify York Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
5. The Township may, but shall not be required to, accept dedication of any common open space.

C. Utilities

All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township Trustees as part of the development plan approval.

D. Maximum Height

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height except as specifically authorized by the Township Trustees as part of the development plan approval. Accessory buildings shall not exceed twenty (20) feet in height except as specifically authorized by the Township Trustees as part of the development plan approval.

E. Parking

Off-street parking shall be provided in accordance with the following:

1. Each dwelling unit shall be provided with a minimum of two and one-half (2.5) off-street parking spaces, at least two (2) of which shall be within a completely enclosed attached garage.
2. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
3. If illumination is provided for common parking lots, walkways, and/or drive intersections, such lighting shall be designed and located so as not to cause glare or permit the source of light to be visible beyond the boundaries of the development.
4. All common parking areas shall be improved with a compacted base, not less than four (4) inches in depth and shall be surfaced with a minimum of two (2) inches of asphaltic concrete or comparable all-weather dustless surface material. Every parking area designed for storage of five (5) or more vehicles shall have permanent pavement markings to delineate spaces.
5. Parking areas shall be graded and drained to minimize standing water, to provide positive drainage away from buildings, and to prevent runoff on to adjacent properties.
6. Parking areas containing more than thirty (30) spaces shall contain planting strips or islands to interrupt the mass of paved area, aid in controlling traffic flow, and provide visual quality.
7. Handicapped parking and access shall be provided in accordance with the requirements of the Americans with Disabilities Act.
8. Parking of boats, trailers, travel trailers, recreational vehicles, and similar vehicles shall be prohibited within a PUD except within parking areas specifically designed and designated to accommodate such vehicles.

F. Minimum Floor Area

Dwelling units within a Planned Unit Development shall comply with the standards for minimum livable floor area in R-1 Districts as set forth in Section 301.09(A) of the York Township Zoning Resolution.

G. Access and Street Requirements

1. All Planned Unit Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use which is part of a PUD Development shall have a driveway access directly onto Wolff Road, Abbeyville Road, Fenn Road, Spieth Road, or Marks Road, provided however, that non-residential uses which are part of a PUD may be permitted a drive access directly onto said streets if specifically authorized by the Township Trustees as part of the development plan approval.
2. All public and private streets within a PUD shall be designed and constructed in accordance with the standards and specifications of the Engineering Code for Subdivision Development of Medina County, Ohio.
3. Each dwelling unit and each non-residential use shall have access to either a public or private street internal to the Planned Development in a manner approved by the Township and said access shall be clearly defined on the development plan.
4. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
5. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township and in accordance with the standards of the Medina County Engineer and the Ohio Department of Transportation for such devices. Where such signs, markings, or devices are located on private streets, the owner's association shall be responsible for their maintenance.

H. Setbacks and Separations

Dwelling units within a Planned Unit Development may be on individual lots and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code. Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than fifty (50) feet to any project boundary line of the Planned Unit Development.
2. No building, structure, or parking area shall be located closer than one hundred (100) feet to the right-of-way line of Wolff Road, Abbeyville Road, Fenn Road, Spieth Road, or Marks Road.
3. No building or structure shall be located closer than forty (40) feet from the right-of-way line of any new public right-of-way constructed as part of the PUD.

4. No building or structure shall be located closer than twenty-five (25) feet to the edge of pavement or edge of easement of any private street.
5. The minimum distance between buildings shall be twenty (20) feet.
6. Where lot lines are created as part of a Planned Unit Development, there shall be no setback requirement from such lot lines provided such arrangement is shown on the development plan and is approved by the Township.

I. Minimum Building Lot Area

Where individual building lots are established within a Planned Unit Development, the sizes of said lots shall be as established on the development plan and as approved by the Township Trustees.

J. Mixture of Dwelling Types

Within each Planned Unit Development a minimum of fifty percent (50%) of the total dwelling units shall be detached single family dwellings.

K. Landscaping and Buffers

1. All disturbed areas within a Planned Unit Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
2. Screening and buffering shall be provided within the required setback from Wolff Road, Abbeyville Road, Fenn Road, Spieth Road, and Marks Road. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.
3. Buffers may be required within setbacks from adjoining properties where the Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.
4. Developer shall hire a certified arborist to inventory woodland of existing live trees over ten (10) inch diameter that are to be removed for development. Developer shall include a replacement for each ten (10) inch diameter tree removed with a minimum two (2) inch diameter tree of similar species in the landscaping plans for the open space areas. The diameter of the trunk of a tree shall be measured at a height of 4.5 feet above the natural grade. If the tree splits into multiple trunks below 4.5 feet, the trunk shall be measured at its most narrow point beneath the split.

L. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment.

Use of excessively similar or excessively dissimilar building treatments should be avoided.

M. Drainage

PUD developments shall provide for storm water management and erosion and sedimentation control in accordance with the provisions of the Medina County Subdivision Regulations. Plans for storm water management and erosion and sediment control shall be subject to the review and approval of the Medina County Engineer and the Soil and Water Conservation District in addition to the Township.

N. Fire Protection

All PUD developments shall make provisions for fire protection which shall include the installation of fire hydrants on all streets, whether public or private, at intervals of not more than three hundred (300) feet. The type of hydrant and control valves shall be as approved by the Township Fire Chief and the Medina County Sanitary Engineer. Water lines serving fire hydrants shall meet the minimum size requirements of the Medina County Sanitary Engineer and the York Township Fire Chief.

O. Future Modification

Future additions to a PUD Development may include permitted accessory structures as set forth in Section 307.03(B), including fences, out buildings, and other similar structures, provided such additions are specifically approved by the home owners association prior to obtaining a Zoning Certificate.

### 307.07 Professional Assistance

The extent and complexity of certain applications for Planned Unit Developments will require that the Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Unit Development relative to the requirements of this Section. The Township Trustees shall advise the applicant if such studies are required and provide an estimate of whether the anticipated costs of such studies will exceed the base deposit set forth in Section 307.09(B). The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies or review assistance.

### 307.08 Construction Inspection or Certification

During construction the Township's representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the PUD, and such other regulations as may be applicable. In lieu of Township inspections, the applicant may choose, or the Township Trustees may require, that inspections be performed under the supervision of an engineer, licensed and registered in the State of Ohio and approved by the Township Trustees, who shall provide a certification to the Township Trustees that all

improvements have been properly installed in accordance with applicable Township and County standards and with the approved plans.

### 307.09 Fees and Deposits

- A. All applications for development plan review and approval shall be accompanied by a non-refundable fee in an amount as set forth in the fee schedule as established from time to time by the Township Trustees.
- B. All applications for development plan review and approval shall also be accompanied by a cash deposit for professional consultant services in an amount as set forth in the fee schedule as established from time to time by the Township Trustees. Any balance of unused funds shall be refunded to the applicant within sixty (60) days of the Township's final action on the application.
- C. Prior to commencement of construction, the developer of a PUD shall deposit with the Township Clerk an amount based upon a percentage of the estimated cost of construction of the required site improvements as determined by the Township's consultants, which funds shall be used by the Township to pay for project inspections during construction as provided in Section 307.08. Said percentage shall be as set forth in the fee schedule established by the Township Trustees. Where inspections are to be performed by an independent engineer responsible for certifying proper construction of required improvements as provided in Section 307.08, the developer shall be solely responsible for the cost of such engineering and inspection services and the inspection deposit herein described shall not be required.

## Section 308 M-C Mallet Creek District

### 308.01 Purpose

The purpose of the M-C Mallet Creek District is to allow for a mixture of residential, convenience commercial, public and institutional uses that are compatible with the existing established neighborhood. The Mallet Creek District encourages the protection and enhancement of the Mallet Creek area while creating an attractive focal point and township center. Uses in this district shall be compatible with surrounding residential uses in order to minimize impacts on the surrounding neighborhoods and are intended to be limited in scale.

### 308.02 Uses

Within the Mallet Creek District, no building, structure, or premises shall be arranged to be used or designed to be used, except for one or more of the following uses:

#### A. Permitted Uses

1. Single family dwellings.
2. Two-family dwellings.
3. Accessory buildings incidental to single-family and two-family dwellings.
4. Type 2 Home Occupations subject to the provisions of Section 206.04.
5. Governmentally owned and/or operated buildings and facilities.
6. Governmentally owned and/or operated recreational areas.
7. Signs subject to the provisions of Article IV hereof.

#### B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the provisions of Article V:

1. Personal services, including but not limited to dry cleaners for pick-up and drop-off only, barber shops, beauty parlors, tanning salons, nail salons, tailors, repair shops other than automotive and heavy equipment, travel agents, upholsterers, and photography studios.
2. Offices, including but not limited to professional, financial, insurance, real estate, educational, civic, social, labor and non-profit organizations, medical, dental, and optical.
3. Retail stores less than 5,000 square feet of gross floor area.

4. Banks and financial services.
5. Restaurants without drive-thru facilities.
6. Public, private and daycare schools subject to the provisions of Section 506.03.
7. Places of worship subject to the provisions of Section 506.04.
8. Institutions for medical care: convalescent homes, nursing homes and assisted living facilities subject to the provisions of Section 506.05.
9. Bed and Breakfasts subject to the provisions of Section 506.10.
10. Art studios and art galleries.
11. Similar Uses subject to the provisions of Section 506.09.

#### 308.03 Minimum Lot Area

Lots within the Mallet Creek District shall have sufficient area to meet the requirements of the Medina County Health Department or Ohio EPA for installation of an on site sewage treatment system, provided however, no existing lot of record created prior to the date of this Section shall be subdivided or altered to create or result in a building lot of less than one (1) acre in area. Written approval from the applicable County or State authority for the installation of an on-site sewage treatment system shall be required prior to the issuance of a Zoning Certificate. Any use established subsequent to the availability of sanitary sewer service within the Mallet Creek District shall be connected to the sanitary sewer system.

#### 308.04 Minimum Lot Frontage at Street

Lots within the Mallet Creek District shall have sufficient lot frontage at the street to accommodate the proposed use as determined by the Zoning Commission or the Board of Zoning Appeals. Provided however, no existing lot of record created prior to the date of this Section shall be subdivided or altered to create or result in a building lot with less than seventy-five (75) feet of lot frontage at the street, except as specifically approved by the Zoning Commission.

#### 308.05 Minimum Yard Requirements

- A. For uses permitted by right under Section 308.02(A), the minimum front yard depth from the street right-of-way, minimum side yard width, and minimum rear yard depth shall be established by the Zoning Commission as part of the site plan review process pursuant to Section 207 Site Plan Review and Conformance. Due to the nature of the existing neighborhood, required yards may be determined by examining the average building location for existing buildings and structures in the area.

- B. For conditionally permitted uses under Section 308.02(B), the minimum front yard depth from the street right-of-way, minimum side yard width, and minimum rear yard depth shall be established by the Board of Zoning Appeals as part of the conditional use process pursuant to Article V Conditional Zoning Certificates. Due to the nature of the existing neighborhood, required yards may be determined by examining the average building locations for existing buildings and structures in the area.

#### 308.06 Minimum Living Floor Area Per Dwelling Unit

A. Single Family

Each single-family dwelling unit shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 1200 square feet.
2. One story structures without basement shall be a minimum of 1400 square feet.
3. Multi-story structures with basement shall be a minimum of 1600 square feet, with 900 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1800 square feet, with 900 square feet minimum living space on the first floor.

B. Two Family With Less Than Three Bedrooms

Each dwelling unit of a two-family dwelling structure with less than three (3) bedrooms shall meet the following minimum living floor area requirements:

1. One-story structures with basement shall be a minimum of 900 square feet.
2. One-story structures without basement shall be a minimum of 1000 square feet.
3. Multi-story structures with basement shall be a minimum of 900 square feet, with 600 square feet minimum living space on the first floor.
4. Multi-story structures without basement shall be a minimum of 1000 square feet, with 600 square feet minimum living space on the first floor.

C. Two Family With Three or More Bedrooms

Each dwelling unit of a two-family dwelling structure having three (3) or more bedrooms shall meet the same square footage requirements as single family dwelling units as set forth in Subsection A hereof.

D. Basement Requirements

To satisfy the basement requirements of this section, the basement shall have a square footage of not less than the minimum permissible first floor living area of the dwelling or unit being constructed.

E. Measurement of Floor Area

Minimum living floor area per family shall not include porches, steps, terraces, breezeways, attached or built-in garages, or basements or other attached structures not intended for human occupancy.

### 308.07 Maximum Height of Buildings

#### A. Principal Buildings

The maximum height of a principal building shall be thirty-five (35) feet.

#### B. Accessory Structures

The maximum height of residential accessory buildings and/or structures shall be twenty-five (25) feet.

### 308.08 Parking and Loading

#### A. Parking

1. Sufficient parking facilities shall be provided outside the street right-of-way; the nearest edge of such facilities shall be within two hundred (200) feet of the principal permitted use or building.
2. At a minimum, parking spaces shall be provided for each structure or use as provided below:
  - a) Single family or two family dwellings shall provide two (2) enclosed parking spaces per dwelling unit.
  - b) Retail business uses shall provide one (1) parking space per 200 square feet of floor area.
  - c) Offices shall provide one (1) parking space per 250 square feet of floor area.
  - d) Medical offices shall provide one (1) parking space per 200 square feet of floor area.
  - e) Banks and financial services shall provide one (1) parking space per 200 square feet of gross floor area.
  - f) Personal services shall provide one (1) parking space per 200 square feet of gross floor area.
  - g) Restaurants shall provide one (1) parking space per fifty (50) square feet of dining floor area.
  - h) Places of worship shall provide (1) parking space per five (5) seats.
  - i) Public, private, or daycare schools shall provide one (1) parking space per each six (6) seats in auditorium or main assembly room or one (1) per each classroom, whichever is greater.
  - j) Other uses shall provide parking as determined by the Zoning Commission as part of the site plan review process pursuant to Section 207 Site Plan Review and Conformance or by the Board of Zoning Appeals as part of the conditional use process pursuant to Article V Conditional Zoning Certificates.
3. For uses permitted by right under Section 308.02(A), parking areas shall be provided as determined by the Zoning Commission as part of the site plan review process pursuant to Section 207 Site Plan Review and Conformance.

For conditionally permitted uses under Section 308.02(B), parking areas shall be provided as determined by the Board of Zoning Appeals as part of the conditional use process pursuant to Article V Conditional Zoning Certificates.

B. Loading

Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right-of-way.

308.09 Maximum Impervious Area

Maximum impervious surface coverage shall not exceed sixty percent (60%) of the total lot area.

308.10 Screening and Buffering

- A. For uses permitted by right under Section 308.02(A), screening and buffering shall be provided as determined by the Zoning Commission as part of the site plan review process pursuant to Section 207 Site Plan Review and Approval.
- B. For conditionally permitted uses under Section 308.02(B), screening and buffering shall be provided as determined by the Board of Zoning Appeals as part of the conditional use process pursuant to Article V Conditional Zoning Certificates.

308.11 Outdoor Storage Prohibited

Outdoor storage of materials, equipment, and goods shall be prohibited in the M-C Mallet Creek District.

308.12 Site Plan Review Required

Due to the mixture of uses and the character of this district, all uses require submittal and approval of a site plan. Uses permitted by right under Section 308.02(A) shall prepare and submit a site plan for approval by the Zoning Commission pursuant to Section 207 Site Plan Review and Conformance. Conditionally permitted uses permitted under Section 308.02(B) shall prepare and submit a site plan for approval by the Board of Zoning Appeals as part of the application for a conditional zoning certificate pursuant to Article V.

## ARTICLE IV

### SIGN REGULATIONS

#### **Section 401 Purpose**

The purpose of this Article is to provide regulations for the use, location, size, and maintenance of signs allowed in the Township. Promotion of traffic safety, adequate identification, and the reduction of distractions is the goal of this Article.

#### **Section 402 Limitations**

All signs erected and maintained pursuant to any governmental function and necessary for the public safety and welfare and signs which are not visible from off the premises are exempt from regulation under this Section.

#### **Section 403 General Requirements**

The regulations in this Section shall apply to all signs in all zoning districts. Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with these provisions.

##### **403.01 Prohibited Signs**

- A. Animated, flasher-type, blinker-type, and racer-type moving signs shall be prohibited.
- B. Pole signs.
- C. Roof signs.
- D. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.
- E. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise.
- F. Beacons, searchlights, or high intensity strobe lights.
- H. Signs not expressly permitted by this Article.

##### **403.02 Location**

- A. Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections.
- B. No permanent sign shall be within ten (10) feet of any road right-of-way and no closer than twenty (20) feet of any adjacent property.
- C. No signs shall be attached to utility poles, street signs, or traffic control poles.
- D. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire

lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

#### 403.03 Similarity to Traffic Control Devices

Signs visible from a road shall not contain any words, symbols, or lighting that would cause confusion because of their resemblance to highway traffic control or directional signals.

#### 403.04 Illumination

- A. Unless otherwise restricted in this Resolution, signs which are illuminated shall henceforth use indirect internal and/or external indirect lighting only. The source of light shall not be visible from the road and external light source shall be adequately screened so they create neither a hazard nor a nuisance to adjacent properties.
- B. No flashing, revolving or rapid intermittent illumination shall be permitted.
- C. Any illuminated sign (including those illuminated by neon or other gaseous type tubes, or by incandescent lamps) erected within one hundred (100) feet of an intersection, where an illuminated device has been provided for the control of traffic, shall not be duplicated in the electric light of such sign in the traffic control signal image.
- D. All materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the Ohio Building Code.
- E. Electronic Message Boards shall comply with the following additional restrictions:
  - 1. Each message or copy shall remain fixed for at least eight (8) seconds;
  - 2. When message or copy changes by remote control or electronic process, it shall be accomplished in three (3) seconds or less;
  - 3. All electronic changeable copy signs shall contain a default design that will freeze the device in one position or go dark if a malfunction occurs.
  - 4. Such signs shall be capable of regulating the digital display intensity and light intensity of the display must automatically adjust to natural ambient light conditions.

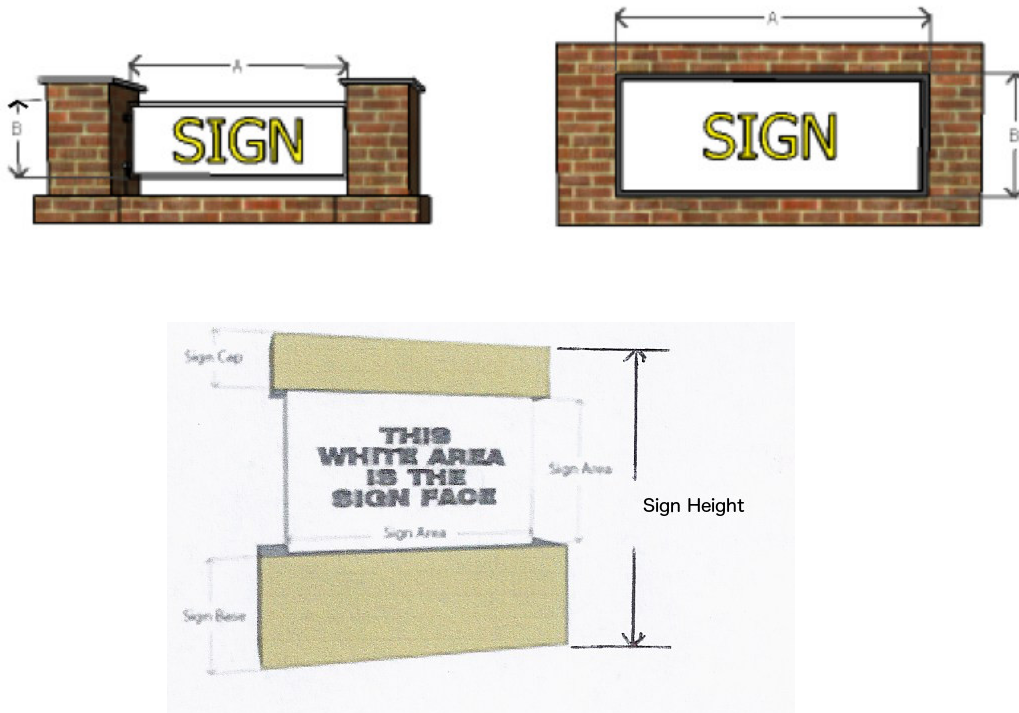
#### 403.05 Movement

No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.

#### 403.06 Measurement of Signs

The dimensions of a sign shall be calculated based upon the area normally visible from any one direction. The area shall be measured by the smallest square, rectangle, circle or combination thereof, which will encompass the entire advertising device including border, trim, cutout, extension, and/or logo. Frames and structural members not including advertising matter

shall not be included in calculation of the surface area. The height of a sign is measured at its highest point from grade. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two faces of a free-standing sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.



#### 403.07 Permit Required

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with this Resolution, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
- B. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with this Resolution.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
- D. The following signs shall not require a permit:
  1. Permanent signs that are two (2) square feet in area or less located in Residential Districts.
  2. Window signs provided, however, that in no circumstance shall window signs obscure more than fifty percent (50%) of the glazed surface of any window.

3. Temporary signs that are six (6) square feet in area or less.

#### **Section 404 Signs Permitted in Residential Districts**

The following signs may be permitted in R-1, R-2, and Conservation Development Overlay Districts subject to conformance with these regulations and the issuance of a sign permit.

##### **A. Permanent Signs**

1. One sign, which may be either a wall or free-standing sign, not exceeding six (6) square feet in area may be permitted for each lot or parcel. If free-standing, such sign shall be not exceed four (4) feet in height.
2. Parcels of more than three (3) acres in area which also have more than five hundred (500) lineal feet of frontage on a public right-of-way shall be permitted one (1) free-standing sign which shall not exceed twenty (20) square feet in area nor six (6) feet in height.
3. A residential development containing more than five (5) dwelling units may be permitted one (1) free-standing monument sign at each entrance to the development provided that such sign does not exceed twenty-four (24) square feet in area nor six (6) feet in height. In lieu of a standard two (2) sided free-standing sign, a qualifying residential development which has decorative entrance walls may be permitted one (1) sign not exceeding twenty-four (24) square feet in area mounted on the decorative wall on each side of the main entrance to the development. Such signs may be illuminated.
4. Conditionally permitted uses in residential districts may be permitted such signage as may be established by the Board of Zoning Appeals and specified as part of the approved Conditional Zoning Certificate, provided that no such signage approved by the Board of Zoning Appeals shall exceed one (1) wall sign not to exceed forty (40) square feet in area and one (1) free-standing sign not to exceed twenty (20) square feet and six (6) feet in height.

##### **B. Temporary Signs**

1. One free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor six (6) feet in height. Each such sign shall be removed within five (5) days of issuance of an occupancy permit.
2. A subdivision under construction shall be permitted one (1) free-standing sign which shall not exceed twenty-four (24) square feet in area nor six (6) feet in height for a period not to exceed twelve (12) months. The permit for such sign may be renewed for four (4) additional twelve (12) month periods.

**Section 405 Signs Permitted in Non-residential Districts**

The following signs shall be permitted in C-1, I-1, M-U, and M-C Districts subject to conformance with these regulations and issuance of a sign permit.

**A. Permanent Signs.**

1. Each non-residential building shall be permitted wall signs provided that:
  - a. The total area of wall signage shall not exceed ten percent (10%) of the area of the front wall of the building;
  - b. Such signs shall not project more than one and one-half (1-1/2) feet in front of the building wall to which they are attached;
  - c. Such signs shall not extend above the top of the wall to which they are attached.
2. Each use, parcel, building, or land under common ownership or control shall be permitted one (1) free-standing sign which shall not exceed thirty-two (32) square feet in area nor six (6) feet in height. Where such signs have provisions for changeable copy messages, the area of the sign may be increased to forty-eight (48) square feet. Parcels that have frontage on two or more streets may have a second free-standing sign provided that the second free-standing sign is located on a different street and does not exceed thirty-two (32) square feet in area nor six (6) feet in height.
3. Each parcel in a non-residential district shall be permitted one (1) permanent sign per access drive which shall not exceed four (4) square feet in area per face nor three (3) feet in height.
4. Planned shopping centers which contain more than six (6) retail establishments in a coordinated design with shared parking and access provisions shall be permitted one (1) free-standing sign not to exceed sixty-four (64) square feet in area and eight (8) feet in height in lieu of the signage permitted in Subsection 2 hereof

**B. Temporary signs.**

1. One free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height. Each such sign shall be removed within five (5) days of issuance of an occupancy permit.
2. One (1) free-standing sign not to exceed twenty-four (24) square feet in area nor six (6) feet in height may be permitted for a period of up to six (6) months. The permit for such sign may be renewed for additional six (6) month periods.
3. One (1) wall sign not to exceed thirty-two square feet in area may be permitted for specific periods of time not to exceed a total of sixty (60) days per calendar year.
4. One (1) inflatable device may be displayed subject to the following conditions:
  - a. Such devices shall not be displayed more frequently than twice per calendar year.
  - b. Inflatable devices shall not be displayed for longer than ten (10) days.
  - c. Such devices shall not exceed fifteen (15) feet in height.

- d. Inflatable devices shall be ground mounted.

### **Section 406 Signs Permitted in PUD Districts**

All signs within a Planned Unit Development Overlay District shall be as specifically authorized and approved by the Township Trustees. In approving signs with Planned Unit Development Overlay Districts, the Trustees shall observe the spirit and intent of this Article.

### **Section 407 Enforcement**

#### **407.01 Safe Condition**

The Zoning Inspector may order any sign to be painted or refurbished at least once a year if needed to keep the sign in a safe condition. All supports, guys, braces, and anchors for such signs shall be maintained in a safe condition. The Zoning Inspector may order removal of any such sign that is not so maintained, and it shall be unlawful for the owners or persons having charge of such sign not to remove the same after receiving notice from the Zoning Inspector to do so.

#### **407.02 Removal**

If the Zoning Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the owner, agent or person having the beneficial use of said sign, who shall thereafter immediately correct the condition for which said notice was given.

#### **407.03 Violation**

All violations shall be corrected within a reasonable time limit set by the Zoning Inspector. If the sign is not removed or altered to comply with the standards herein set forth within the time set by the Zoning Inspector, enforcement actions shall be initiated by the Zoning Inspector. Portable or temporary signs must be removed immediately upon notice.

#### **407.04 Nonconforming Signs**

Signs which legally existed prior to the effective date of this Article, but which do not conform with these provisions, may be maintained as a matter of right provided that such signs comply with the provisions of Section 407.01 regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a non-conforming sign or any alteration in the size or structure of such sign, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Resolution.

| <b>SIGNS PERMITTED IN RESIDENTIAL DISTRICTS</b> |                          |                     |                  |                    |                      |                     |                        |                        |
|---|--------------------------|---------------------|------------------|--------------------|----------------------|---------------------|------------------------|------------------------|
| <b>SIGN TYPE</b>                                | <b>WHERE PERMITTED</b>   | <b>MAX. NUMBER</b>  | <b>MAX. AREA</b> | <b>MAX. HEIGHT</b> | <b>FRONT SETBACK</b> | <b>SIDE SETBACK</b> | <b>ILLUMINATION</b>    | <b>PERMIT REQUIRED</b> |
| <b>PERMANENT SIGNS</b>                          |                          |                     |                  |                    |                      |                     |                        |                        |
| Wall or Free-standing                           | Any Parcel               | 1                   | 6 Sq. Ft.        | 4 Feet             | 10 Feet              | 20 Feet             | No                     | Yes                    |
| Free-standing                                   | Parcels Over 3 Acres     | 1                   | 20 Sq. Ft.       | 6 Feet             | 10 Feet              | 20 Feet             | No                     | Yes                    |
| Free-standing                                   | Residential Developments | 1 or 2 Per Entrance | 24 Sq. Ft.       | 6 Feet             | 10 Feet              | 20 Feet             | Yes                    | Yes                    |
| Wall  | Conditional Use          | 1                   | 40 Sq. Ft.       | N/A                | N/A                  | N/A                 | Yes If Approved By BZA | Yes                    |
| Free-standing                                   | Conditional Use          | 1                   | 20 Sq. Ft.       | 6 Feet             | 10 Feet              | 20 Feet             | Yes If Approved By BZA | Yes                    |
| Free-standing                                   | Any Parcel               | 1                   | 2 Sq. Ft.        | 4 Feet             | 10 Feet              | 20 Feet             | No                     | No                     |
| <b>TEMPORARY SIGNS</b>                          |                          |                     |                  |                    |                      |                     |                        |                        |
| Free-standing                                   | During Construction      | 1                   | 32 Sq. Ft.       | 6 Feet             | N/A                  | 20 Feet             | No                     | Yes                    |
| Free-standing                                   | Residential Developments | 1                   | 24 Sq. Ft.       | 6 Feet             | N/A                  | 20 Feet             | No                     | Yes                    |

Note: This table is provided as a summary only, refer to the Resolution for specific requirement.

| <b>SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS</b> |                         |                                    |                        |                    |                      |                     |                    |                        |
|---|-------------------------|------------------------------------|------------------------|--------------------|----------------------|---------------------|--------------------|------------------------|
| <b>SIGN TYPE</b>                                    | <b>WHERE PERMITTED</b>  | <b>MAX. NUMBER</b>                 | <b>MAX. AREA</b>       | <b>MAX. HEIGHT</b> | <b>FRONT SETBACK</b> | <b>SIDE SETBACK</b> | <b>ILLUMINATED</b> | <b>PERMIT REQUIRED</b> |
| <b>PERMANENT SIGNS</b>                              |                         |                                    |                        |                    |                      |                     |                    |                        |
| Wall  | Any Parcel              | N/A                                | 10% of Front Wall Area | N/A                | N/A                  | N/A                 | Yes                | Yes                    |
| Free-standing                                       | Any Parcel              | 1 per Street Frontage              | 32 Sq. Ft.             | 6 Feet             | 10 Feet              | 20 Feet             | Yes                | Yes                    |
| Free-standing Changeable Copy                       | Any Parcel              | 1 in Lieu of Regular Free-standing | 48 Sq. Ft.             | 6 Feet             | 10 Feet              | 20 Feet             | Yes                | Yes                    |
| Window  | Any Parcel              | N/A                                | 50% of Window Area     | N/A                | N/A                  | N/A                 | Yes                | No                     |
| Free-standing                                       | Any Parcel              | 1 per Entrance Drive               | 4 Sq. Ft.              | 3 Feet             | 10 Feet              | 20 Feet             | No                 | Yes                    |
| Free-standing                                       | Planned Shopping Center | 1                                  | 64 Sq. Ft.             | 8 Feet             | 10 Feet              | 20 Feet             | Yes                | Yes                    |
| <b>TEMPORARY SIGNS</b>                              |                         |                                    |                        |                    |                      |                     |                    |                        |
| Free-standing                                       | During Construction     | 1                                  | 32 Sq. Ft.             | 6 Feet             | N/A                  | 20 Feet             | No                 | Yes                    |
| Free-standing                                       | Any Parcel              | 1                                  | 24 Sq. Ft.             | 6 Feet             | N/A                  | 20 Feet             | No                 | Yes                    |
| Wall  | Any Parcel              | 1                                  | 32 Sq. Ft.             | N/A                | N/A                  | N/A                 | No                 | Yes                    |
| Inflatable Device                                   | Any Parcel              | 1                                  | N/A                    | 15 Feet            | N/A                  | 20 Feet             | No                 | Yes                    |

Note: This table is provided as a summary only, refer to the Resolution for specific requirement.

## ARTICLE V

### CONDITIONAL ZONING CERTIFICATES

#### **Section 501 Purpose**

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, and, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such a dual objective, a provision is made in this Resolution for a more detailed consideration of each of certain specified activities relative to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, and concentration of population, etc. Land and structure uses possessing these particular unique characteristics are designated through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. The Board of Zoning Appeals may authorize the issuance of such Conditional Zoning Certificates for any of the uses specified in this Resolution pursuant to the procedures set forth herein. The Board of Zoning Appeals is also authorized, upon application and hearing, to modify and amend previously granted Conditional Zoning Certificates.

#### **Section 502 Application**

##### **502.01 Submission**

An application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose.

##### **502.02 Data Required with Application**

Each application shall include at a minimum, the following:

- A. Thirteen (13) copies of a site plan, plot and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
- B. Complete plans and specifications for all proposed development and construction.
- C. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 505 and 506, inclusive.
- D. A fee as established in Section 703.

### 502.03 Review and Approval

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Resolution. Within three (3) business days of the submission date, the Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process.

### **Section 503 Notice and Hearing**

After adequate review and study of an application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication of notice of such hearing in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing. Adjoining property owners will be notified by regular mail prior to the public hearing. Such notice or letter shall indicate the place, time, and subject of the hearing.

### **Section 504 Basis of Determination**

The Board of Zoning Appeals shall consider each application for a Conditional Zoning Certificate based upon the general and specific standards set forth herein. No Conditional Zoning Certificate shall be approved unless the Board determines that such use will comply with said standards. When approving a Conditional Zoning Certificate, the Board of Zoning Appeals may also impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for ensuring that the intent and objectives of this Resolution will be observed. Upon approval by the Board, the Zoning Inspector shall issue a Conditional Zoning Certificate setting forth the terms and conditions of such approval.

### **Section 505 General Standards for All Conditionally Permitted Uses**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific plan of current adoption;
- B. 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 or whether such use will change the essential character of the area;
- C. Will be hazardous or disturbing to existing or future neighboring uses;

- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
- G. Will be consistent with the intent and purpose of this Resolution;
- H. Will be in compliance with the Medina County Subdivision Regulations, when applicable, the Medina County Board of Health Standards, and the Medina County Building Code.
- I. 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;
- J. Will be developed with consideration given to minimizing removal of trees and change of topography; and
- K. Will result in the destruction, loss, or damage of natural scenic, or historic features of major importance.

## **506 Specific Standards Pertaining to Certain Conditionally Permitted Uses**

In addition to the general standards set forth in Section 505, the Board of Zoning Appeals shall also consider whether the application for a conditional use complies with the specific standards for uses set forth herein.

### **506.01 Governmentally owned and/or operated recreational uses**

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.

- D. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to the community in general.

506.02 Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies and camps, but excluding miniature golf courses, drive-in theaters and commercial amusement parks

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.
- D. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to the community in general.

506.03 Public and private schools

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.

506.04 Place of Worship

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.

**506.05 Institutions for medical care; hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions**

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.
- D. Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.
- E. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to the community in general.

**506.06 Cemeteries**

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.
- D. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to the community in general.

**506.07 Publicly owned and/or operated buildings and facilities other than those listed above**

- A. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- B. To secure the optimum effect of transition from a residential to a nonresidential district, the Board of Zoning Appeals shall have the power to determine the need for an amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- C. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to the community in general.

**506.08 Type 1 Home Occupations**

- A. No person who is not a resident of the premises may utilize said property for parking any commercial vehicle or equipment, or may participate in any activity related to the business on site as an employee or volunteer.
- B. No commercial equipment, process, materials, or chemicals shall be used which create noise, vibrations, smoke, dust, odor, heat, glare, X-rays, radiation, or electrical disturbances which are offensive to a person of ordinary sensibility.
- C. Not more than twenty-five percent (25%) of the gross floor area of the dwelling, nor more than twenty-five percent (25%) of any single lot or parcel shall be devoted to any use related to the business activity.
- D. No activity involved in the business shall be visible from any public way or adjacent property.
- E. The external appearance of the building on the property and the property itself, shall not be altered in such a way that a non-residential appearance inconsistent with the area is created.
- F. Not more than one (1) sign no larger than six (6) square feet of a design consistent with residential use shall be allowed on the premises indicating the activity-taking place thereon.
- G. The activity conducted must be clearly incidental and subordinate to the use of the premises for residential purposes.
- H. No traffic shall be generated by such use in greater volume or intensity than would normally be expected in the neighborhood.
- I. No commercial equipment or commercial motor vehicle shall be parked outside.
- J. The maximum gross weight of any piece of commercial equipment or vehicle used as part of a home occupation shall not exceed forty thousand (40,000) pounds.

**506.09 Similar Use**

- A. An applicant may submit an application for a Conditional Zoning Certificate for a building or use which is not specifically listed as a permitted use in those districts where authorized by this Resolution. The Board of Zoning Appeals shall interpret this Resolution to determine if the proposed use is a comparable use. The Board shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution:
  - 1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district.
  - 2. Whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
  - 3. Whether the establishment of the use in the district will significantly alter the nature of the district.
  - 4. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.

5. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.
- B. The Zoning Inspector shall maintain a record of each use declared to be similar by the Board of Zoning Appeals in each zoning district. Such list shall be used by the Zoning Inspector to evaluate subsequent applications for the same use or the same districts as a permitted use. Uses determined by the Board of Zoning Appeals to be similar uses in a zoning district shall be added to the list of permitted uses at the next general update of the Zoning Resolution.

#### 506.10 Bed and Breakfasts

- A. Meals if provided shall be provided only to guests taking lodging in the facility.
- B. Guestrooms shall not contain cooking facilities. A common lounge may be provided for guests.
- C. Only retail sales customary to overnight facilities shall be permitted.
- D. Shall have a maximum of two (2) guestrooms.
- E. Shall obtain all required health department food service permits if prepared meals are provided to guests.
- F. Food and laundry delivery locations shall be in accordance with the approved site plan.
- G. Shall provide one (1) parking space per guestroom plus two (2) parking spaces for every permanent dwelling unit.
- H. The owner/operator shall be present on the premises during the stay of guests.
- I. In R-1 Low Density Residential Districts each Bed and Breakfast shall be located on a lot of not less than 2.1 acres exclusive of right-of-way.

#### 506.11 Drive-in or Drive-thru Facilities

- A. Drive-in or drive-thru facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting residential uses. Where site conditions necessitate locating the facility near residential uses, the area between the uses shall be heavily screened and landscaped as directed by the Board of Zoning Appeals.
- B. Drive-in or drive-thru facilities shall provide off-street waiting spaces on the same lot as the use in addition to the required number of parking spaces.
- C. At no time shall vehicles be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- D. Microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses. Any proposed loud speaker system shall be approved as part of the site plan.
- E. Conditions may be established restricting the hours of operation in order to reduce inappropriate impacts on abutting uses and on road traffic to ensure compatibility with normal vehicular activity in the M-C District.

- F. The applicant shall design the site plan or otherwise provide assurances in a manner which reduces the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

### **Section 507 Violations and Revocation**

The Zoning Inspector shall notify the Conditional Zoning Certificate holder of any such violation and shall order that such use be brought into compliance and shall set forth a reasonable period of time to do so. If the Conditional Zoning Certificate holder fails to comply with either the provisions of this Resolution or the conditions of the Conditional Zoning Certificate within such time period, the Zoning Inspector shall order the violation of such Conditional Zoning Certificate to cease and desist. The breach of any condition, safeguard, or requirement of the Conditional Zoning Certificate shall constitute a violation.

### **Section 508 Appeals**

When an individual is aggrieved by a decision or action of the Zoning Inspector with regard to violation or revocation of a Conditional Zoning Certificate, such individual may appeal said action or decision as set forth in Article VIII.

### **Section 509 Reapplication**

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of one (1) year or more after such denial, unless newly discovered evidence or proof of changed conditions exist which would be sufficient to justify the reconsideration by the Board of Zoning Appeals.

## ARTICLE VI

### NONCONFORMING USES, STRUCTURES, AND LOTS

#### **Section 601 Purpose**

The purpose of this Article is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Resolution and amendments hereto but which do not conform to the existing provisions of this Resolution. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Resolution to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

#### **Section 602 Nonconforming Use**

##### **602.01 Continuance of Lawful Nonconforming Use**

The lawful use of any building or land existing at the time of this Resolution or amendments thereto, may be continued, although such use does not conform with the provisions of this Resolution, subject however to the provisions of Article VI.

##### **602.02 Discontinuance or Abandonment**

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the two (2) year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Resolution.

##### **602.03 Displacement**

No nonconforming use shall be extended to displace a conforming use.

##### **602.04 Enlargement of Use**

A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty five percent (25%) more than the existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties of community.

**Section 603 Nonconforming Structure****603.01 Alterations or Enlargements**

A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty five percent (25%) more than the existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

**603.02 Restoration of Damaged Structure**

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Resolution, provided that not more than fifty percent (50%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with this Resolution. Any building or structure, existing at the time that this Resolution takes effect, which is destroyed in damage event may be rebuilt or restored within two (2) years after date of destruction.

**603.03 Repairs and Maintenance**

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

**Section 604 Nonconforming Lot**

- A. When a nonconforming lot can be used in conformity with all applicable provisions of this Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Resolution.
- B. When a lot of record in the R-1 Low Density Residential District, which was created and recorded prior to January 27, 2022, is nonconforming solely because of its width and/or frontage, such lot shall be considered conforming and buildable for the purposes of this Resolution and may be developed in compliance with all of the required setbacks for lots in the R-1 Low Density Residential District.

**Section 605 Completion of Approved Construction**

Nothing in this Resolution shall prohibit the completion or construction and use of a nonconforming structure for which a Zoning Certificate has been issued prior to the effective date of this Resolution or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Resolution and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Zoning Certificate.

## Article VII

### ADMINISTRATION AND ENFORCEMENT

#### **Section 701 Zoning Inspector**

A Zoning Inspector shall be employed to enforce this Resolution. The term of employment, rate of compensation, and other such conditions shall be set by the York Township Trustees.

#### **Section 702 Zoning Certificates**

##### **702.01 Zoning Certificate Required**

Before commencing any activity, construction, changing the use of, or altering any buildings, or changing the use of any premises, an application shall be made to the Zoning Inspector for a Zoning Certificate.

##### **702.02 Submission of Application**

- A. All applications for Zoning Certificates shall be submitted to the Zoning Inspector who may issue Zoning Certificates when all applicable provisions of this Resolution have been met. All applications for Conditional Zoning Certificates shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals which may issue Conditional Zoning Certificates in accordance with Article V of this Resolution.
- B. The applications shall include the following information:
  - 1. A site plan drawn to scale showing the exact dimensions of the lot.
  - 2. The locations, dimensions, height, and bulk of structures erected or to be erected on the lot drawn to scale on the site plan.
  - 3. The intended use.
  - 4. The yard, open area, fire lanes, parking areas, dumpster locations, outside storage areas (if applicable) and parking space dimensions drawn to scale on the site plan.
  - 5. Evidence that the responsible health authority has approved the site for a sanitary sewage disposal system for the use for which the Zoning Certificate has been requested.
  - 6. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.

7. The site plan shall also show all driveways to be constructed including location, width, surface composition, culverts, bridges, and other necessary information demonstrating compliance with the driveway requirements of this Resolution.

C. Issuance

Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee. No Zoning Certificate shall be granted to build any structure within the confines of the unincorporated area of the township which has ingress or egress to the highway until the owner of such property has secured a permit from the appropriate highway authority for a culvert.

D. Expiration

The Zoning Certificate shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or the use changed within six (6) months of date of Zoning Certificate, a new Zoning Certificate and fee is required upon application.

### **Section 703 Fees**

The schedule of fees shall be set by the Board of Township Trustees.

### **Section 704 Amendments**

- A. Amendments to the York Township Zoning Resolution shall be made pursuant to Chapter 519 of the Ohio Revised Code.
- B. A provision or regulation which is re-enacted or amended is intended to be a continuation of the prior provision or regulation and not a new enactment so far as it is the same as the prior provision or regulation.
- C. The amendment or recodification of this Resolution does not:
  1. Affect the prior operation of this Resolution or any prior action taken thereunder.
  2. Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder
  3. Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto prior to the amendment, recodification or repeal.

4. Affect any investigation, proceeding, or remedy in respect to any such privilege, obligation, liability, penalty, forfeiture or punishment and the investigation, proceeding or remedy may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if this Resolution had not been amended.

### **Section 705 Violations**

No building shall be located, constructed, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution or any amendment to this resolution. Each day's continuation of a violation of this resolution may be deemed a separate offense.

### **Section 706 Inspection**

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution.

### **Section 707 Enforcement**

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 any of the provisions of this Resolution, the prosecuting attorney of the county, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, enlargement, change, maintenance or usage.

### **Section 708 Correction Period**

- A. All violations shall be corrected within a reasonable time limit set by the Zoning Inspector.
- B. Any violations not corrected within the specified time period shall be reported to the Medina County Prosecutor who shall initiate prosecution procedures.

### **Section 709 Penalties**

Whoever is convicted of a violation of this Resolution, shall be subject to such penalties as provided in the Ohio Revised Code.

**ARTICLE VIII****BOARD OF ZONING APPEALS****Section 801 Board of Zoning Appeals Established**

There is hereby created a Board of Zoning Appeals which shall be appointed by the York Township Trustees and shall have the powers and follow the procedures prescribed by the Ohio Revised Code and by this Resolution.

**Section 802 Powers and Duties**

The Board of Zoning Appeals shall have the following powers:

- 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 this Resolution:
- B. To authorize, upon appeal, in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in a practical difficulty or unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done, and
- C. To grant Conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning Resolution.
- D. In exercising the above-mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- E. When the Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures, or when the Board of Zoning Appeals has deemed it necessary to require special studies to be made, the applicant shall bear all direct and related costs.

**Section 803 Appeals**

- A. Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township 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.

- B. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefor. Every appeal or application shall refer to the specified provision of this Resolution, and shall set forth the interpretation that is claimed by the Board, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Conditional Zoning Certificates, or Variances, together with all documents pertaining thereto.

### **Section 804 Notice**

Upon receipt of an application, the Board of Zoning Appeals shall fix a reasonable time for the public hearing, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

### **Section 805 Variances**

The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, or practical difficulty and so that the spirit of this Resolution shall be observed and substantial justice done.

#### **805.01 Area Variance.**

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
- B. Whether the variance is substantial.

- C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the variance will adversely affect the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent of the Ordinance will be observed and substantial justice done by granting the variance.
- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

#### 805.02 Use Variance

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
- B. Whether the variance is the minimum variance which will afford relief to the property owner.
- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- E. Whether the hardship condition was created by actions of the applicant.
- F. Whether the spirit and intent of the Zoning Ordinance will be observed and substantial justice done by granting the variance.

- G. Whether the use requested is similar in character to the permitted uses in the subject district.
- H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

#### 805.03 Issuance

A variance shall not be granted unless the Board makes a determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant.

#### 805.04 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution.

## ARTICLE IX

### RULES OF CONSTRUCTION AND DEFINITIONS

#### **Section 901 Rules of Construction**

Unless the context otherwise requires, the following definitions shall be used in the interpretations and construction of this Resolution and the words used in the present tense include the future; singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”, the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used, and the word “shall” is mandatory and not directory.

#### **Section 902 Definitions**

**ACCESSORY BUILDING:** A building customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

**ACTIVE RECREATION:** 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 active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of this Resolution, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.

**AGRICULTURE:** As defined in Ohio Revised Code Section 519.01 as the same may be amended from time to time.

**ALLEY:** A strip of land, dedicated to public use, primarily to provide vehicular access to the side or rear of properties otherwise abutting on a street.

**ALTERATION:** As applied to a building or structure, is 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 to another.

**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.

**BASEMENT:** A story partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

**BED AND BREAKFAST:** A private, owner occupied residence where overnight accommodations are available and compensation is paid by guests for overnight stay.

**BOARD:** The Board of Zoning Appeals of York Township.

**BUFFER:** 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.

**BUILDING:** Any permanent or stationary structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property.

**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 this Resolution. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

**BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the building.

**BUILDING LINE:** A line parallel to the road right-of-way defining the location of the principal building or structure with respect to the road, outside of which no part of the foundation of the principal building or structure projects.

**BUILDING, PRINCIPAL:** The building housing the principal activity performed on any lot.

**BUILDING, SEMI-PUBLIC:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**BUSINESS SERVICES:** Services provided primarily to other business operations, which may include consulting services, property and/or equipment maintenance services, financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations.

**CLUBHOUSE:** The principal building associated with a golf course which typically contains the pro shop, administrative offices, exercise facilities and locker rooms, golf cart storage and maintenance, may also contain food and beverage services, including public meeting and banquet rooms and related facilities.

**COMMERCIAL EQUIPMENT:** Equipment used but not limited to the commercial, construction, and excavating industry such as backhoes, dozers, loaders, skid steers, excavators, rollers, sweepers, pavers, and trailers used to haul any of the above.

**COMMERCIAL MOTOR VEHICLE:** Any vehicle used or designed to be used for business or commercial purposes that infringes on the residential character of residential districts and includes, but is not limited to: a bus, cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the State as a commercial vehicle or truck.

**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.

**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.

**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 ORC§ 5301.67 through 5301.70.

**DEVELOPMENT PLAN:** A proposal including drawing(s) and map(s) for a conservation development, prepared in accordance with this Resolution, illustrating the proposed design, layout and other features for the development and including all elements set forth in Section 306.08.

**DUMPS:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse, waste material, of any kind, junk, discarded machinery, vehicles, or parts thereof, offal, or dead animals.

**DWELLING, ONE FAMILY:** A detached building designed for, or occupied exclusively by one (1) family and complying with Medina County Building Regulations.

**DWELLING, TWO FAMILY:** A detached building designed for, or converted or occupied exclusively by two (2) families, living independently of each other.

**DWELLING, DETACHED SINGLE-FAMILY:** A building designed for, or used exclusively for, residence purposes by one (1) family situated on a parcel having a front, side, and rear yard.

**DWELLING, SINGLE-FAMILY ATTACHED:** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

**DWELLING, SINGLE-FAMILY, CLUSTER:** A building that is designed and used exclusively by one (1) family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.

**DWELLING UNIT:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

**ELECTRONIC MESSAGE BOARD:** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of changing is electronically programmed and can be modified by electronic process, but that do not flash or change in rapid succession so as to appear to be in continuous movement.

**FAMILY:** One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FLOODPLAIN:** Any land susceptible to being inundated by water from any source. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

**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.

**GARAGE/YARD SALE:** A sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant and where the sale is conducted by such occupant or friends, and not by an agent or any other such person to whom a commission, fee, or salary is paid. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale.

**GASOLINE SERVICE STATION:** Any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline for oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution, there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

**HOME OCCUPATION:** Any office or customary home occupation in a dwelling house used as a private residence, providing such use does not involve any extension or modification of said dwelling, which will alter its appearance as a dwelling, and providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this Resolution, and further providing that not more than twenty-five percent (25%) of said dwelling house be used by said resident for said office or home occupation.

**HOME OCCUPATION TYPE 1:** The parking of a limited number of commercial vehicles, or pieces of commercial equipment, involved in a business, the actual performance of which is conducted off site, only incidental phone calls and bookkeeping activities being performed on the site.

**HOME OCCUPATION TYPE 2:** An accessory use which is an activity profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of residential property for normal dwelling purposes, is conducted entirely within the dwelling unit, without any significant adverse effects on the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting, and like, shall involve no more than three (3) receivers to such activity at any one (1) time on the premises.

**IMPERVIOUS SURFACE:** Any material that prevents absorption of storm water into the ground. Impervious surfaces include but are not limited to all buildings, parking areas, roads, sidewalks and any areas of concrete or asphalt or non-absorbent material. In the case of lumber yards and other uses that have outside storage, the area used for outside storage constitutes an impervious surface.

**JUNK:** Litter, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, or are subject to being dismantled.

**JUNK MOTOR VEHICLE:** Any vehicle meeting one or more of the following: extensively damaged, including but not limited to any of the following; missing wheels, tires, motor, transmission, apparently inoperable, and/or unlicensed.

**JUNKYARD:** A place where junk, waste, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, wrecked, disassembled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, and/or salvaged materials as part of manufacturing operations.

**LIGHT MANUFACTURING, FABRICATION AND ASSEMBLY:** An industrial type use which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from previously manufactured components, where such operations do not produce objectionable noise, smoke, vibration, heat, glare, or other environmental impacts, but shall not include any operations that involve the reduction, refining, heat treatment, or chemical conversion of primary raw materials.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**LOT:** A piece, parcel or plot of land occupied or capable of being occupied by one or more buildings or uses customarily incident to it, including such open spaces as are required by this Resolution and access to frontage on a public or private street built to public standards. The area of a lot is computed exclusive of any right-of-way existing or planned.

**LOT or SUBLOT:** For the purposes of the conservation development regulations only, 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.

**LOT CORNER:** A lot at the junction of and abutting on two or more intersecting streets.

**LOT, DEPTH OF:** The mean horizontal distance from the right-of-way line of the street to the rear lot line.

**LOT FRONTAGE:** The line along which the front lot line of a lot and the road right-of-way are coincident.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The lines defining the limits of a lot.

**LOT, WIDTH OF:** The width measured along the building line parallel to the street.

**LOT, OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register or Deeds of Medina County, or a lot described by meters and bounds, the deed to which has been recorded in the office of the Register of Deeds of Medina County.

**MAJOR THOROUGHFARE:** A road defined as a major thoroughfare by the Regional Planning Commission or indicated a major thoroughfare on the land use and thoroughfare map of current adoption.

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the street right-of-way line at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established; it shall be assumed to be thirty (30) feet from the street centerline in residential districts and forty (40) feet from the street centerline in commercial and industrial districts.

**MINIMUM LIVING FLOOR AREA:** Constitutes floor area for dwellings consisting of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, and library, but shall not include areas such as porches, breezeways, terraces, utility rooms, garages and basements.

**MOBILE HOME OR HOUSE TRAILER:** As defined in the Ohio Revised Code Section 4501.01.

**MOTOR VEHICLE:** Every device in, upon, or by which any person or property is or may be transported upon a highway, except devices moved exclusively by human power or used exclusively by human power or used exclusively upon stationary rails or tracks.

**MOTOR VEHICLE, RECREATIONAL:** Any vehicle designed and used primarily for recreational activities including but not limited to camper, motor home, mobile trailer, or motor craft.

**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.

**NONCONFORMING LOT:** A lot which does not conform with the lot area, lot width, lot depth or other area requirements of the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure which does not conform with the requirements for height, floor area, yard, or other requirements applicable to a structure in the district in which it is located.

**NONCONFORMING USE:** A use existing at the time of the enactment of this Resolution, and which does not conform to the use regulations of the district in which it is located.

**NURSING OR CONVALESCENT HOME:** Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**OPEN SPACE:** An area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

**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 water bodies. See also Restricted Open Space. (Section 306)

**OPEN SPACE, RESTRICTED:** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and is restricted from further development according to the provisions of Section 306.

**ORC §:** Ohio Revised Code section number.

**PARKING SPACE:** An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load and unload persons or goods.

**PENALTIES:** As provided in the Ohio Revised Code.

**PERENNIAL STREAM:** A natural waterway that contains water throughout the year except in severe drought.

**PERSONAL SERVICES:** Services provided to individual members of the general public where the primary purpose is not the transfer of ownership of tangible goods. Such operations may include personal grooming services such as barber shops, beauty parlors, tanning salons, nail salons, dry cleaning services, and tailoring, or may involve other personal improvement services such as tutoring or counseling.

**PRIVATE STREET:** A local private way which provides vehicular access to residential structures that is not and will not be dedicated to public use, but which is owned and maintained by the Association.

**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”.

**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.

**SETBACK:** The required distance between a building, structure, or driveway and a lot line, road right-of-way, stream or riverbank, wetland or other delineated site feature.

**SIGN:** Any identification, description, illustration, or device which is affixed to or integrated into a building, structure, or otherwise situated on a lot, and which is intended to direct or attract attention to or announce or promote a product, place, activity, person, idea, institution or business by means of letters, words, designs, colors, symbols, banners, fixtures, images, or illustrations.

**SIGN AREA:** The dimensions of a sign shall be calculated based upon the area normally visible from any one direction. The area shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the entire advertising device including border, trim, cutout, extension, and/or logo. Frames and structural members not including advertising matter shall not be included in calculation of the surface area.

**SIGN, CHANGEABLE COPY:** A sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays.

**SIGN, FLASHING:** Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any mean whatsoever.

**SIGN, FREE-STANDING:** Any sign that is supported from the ground by means of a free-standing wall, monument, poles, or other structural support system and not attached to any building. See figure for examples of acceptable free-standing sign styles.



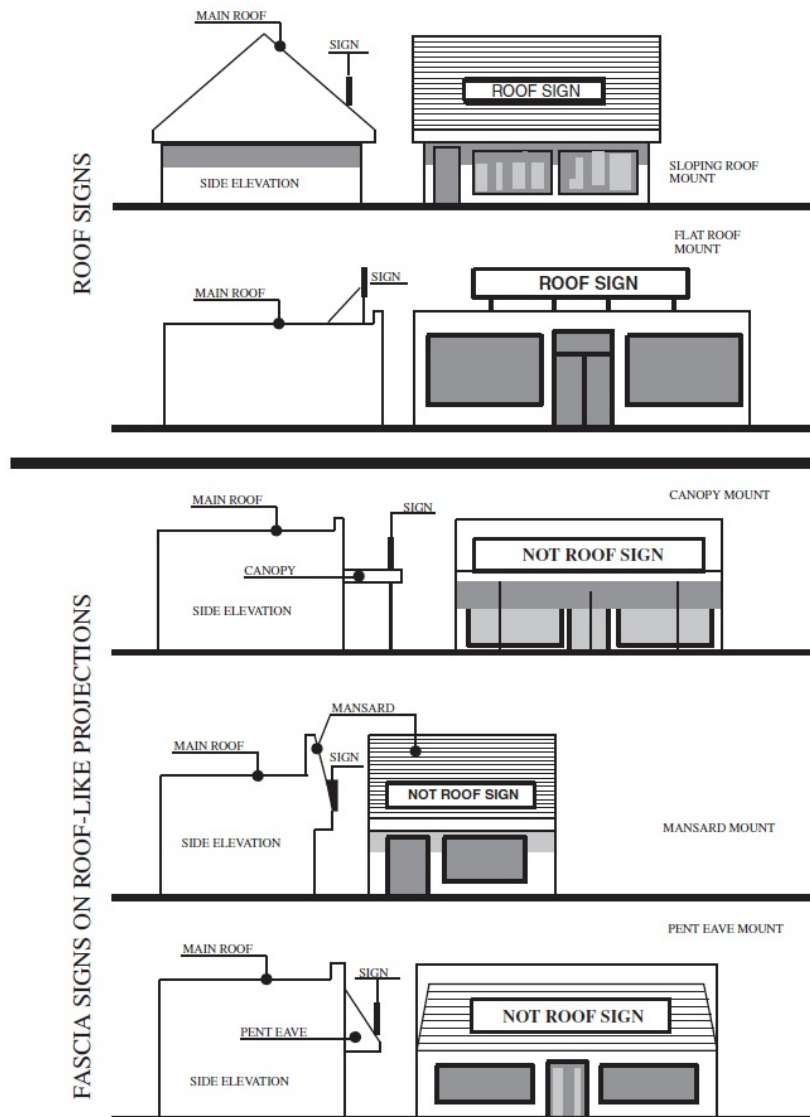
**SIGN, ILLUMINATED:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

**SIGN, POLE:** A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade. See Figure.



**SIGN, PORTABLE:** A sign that is not permanent, affixed to a building, structure, or the ground.

**SIGN, ROOF:** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof or the eave line of a building with a gambrel, gable, hip, or mansard roof. See Figure.



**SIGN, TEMPORARY:** A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

**SIGN, WALL:** Any sign attached to, painted on, or integral with the wall of any building and located in a plane parallel to the wall and supported by the building. Wall signs shall also include signs mounted on awning or canopies.

**SIGN, WINDOW:** A sign, that is attached or affixed to, painted on, or located within two (2) feet inside of a window or door of a building and which is legible more than five (5) feet beyond the face of the window or door on which such sign is located.

#### Article IX:

#### Rules of Construction and Definitions

**SIMILAR USE:** A use which is not listed as a permitted use or a conditionally permitted use for a district, but which is found to be sufficiently similar to other uses permitted in the district and otherwise compatible with the district and which is approved as a conditionally permitted use by the Board of Zoning Appeals.

**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 this Resolution and with each lot having the requisite frontage on a dedicated public street.

**STORY, HEIGHT OF:** The vertical distance from the top surface of one floor to the top surface of the next floor above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**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.

**STREET, PRIVATE:** A public thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

**STREET, PUBLIC:** A public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground, attached to something having a fixed location on the ground, or resting upon the ground including but not limited to signs, buildings, sheds, fences, and swimming pools.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**TANK, STORAGE:** In reference to petroleum products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

**USE:** The principal purpose for which a lot, and/or the principal building thereon, is designed, arranged, or intended and for which it may be used, occupied or maintained.

**USE, CONDITIONAL:** A use, listed as a conditional use for a specific district or otherwise identified as a conditional use in this Zoning Resolution, which may be established and operated only according to the provisions of the Conditional Zoning Certificate.

**USE, PERMITTED:** A use permitted in a district “by right”, that is, without special review or approval (except in some cases, site plan review) provided that it complies with all applicable provisions.

**USE, PRINCIPAL:** The primary is predominant use of any lot or parcel.

**VARIANCE:** As authorized by this Resolution, a grant by the Board of Zoning Appeals permitting use of property in a manner not wholly in accordance with the provisions of this Resolution as a means of resolving practical difficulty or unnecessary hardship.

**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.

**YARD DEPTH, FRONT:** The perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed. Where the right-of-way is not established it shall be assumed to be thirty (30) feet from street centerline in residential areas and forty (40) feet from street centerline in commercial areas.

**YARD DEPTH, REAR:** The space between any portion of the building and the rear line and extending the full width of the lot.

**YARD WIDTH, SIDE:** The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

**ZONE OR DISTRICT:** The area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being uniform throughout the zone in which they apply.

**ZONING CERTIFICATE:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, or the arrangement of uses and structures in conformance with the provisions of this Resolution.

**ZONING INSPECTOR:** A Zoning Inspector of York Township or an authorized representative of the Zoning Inspector.

**ARTICLE X**  
**AMENDMENTS**

| <b>Amended Section</b> | <b>Change</b> | <b>Date Approved by<br/>Township Trustees</b> |
|------------------------|---------------|---|
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |
|                        |               |   |