

# Cardington Township Zoning Resolution

Adopted by the Township Trustees on July 24, 2000

## Overview

If you are planning new or additional construction on an existing lot, reviewing the Zoning Resolution will be helpful for obtaining a Zoning Certificate. Note that when you contact the Zoning Inspector you should be prepared to leave a message as the Zoning Inspector does not have regular office hours. Meetings can be scheduled in the evenings and on weekends if convenient.

A new dwelling will require an on-site inspection by the health department for septic system planning and permitting.

If you are planning a lot split, lot consolidation/adjustment, or planning other development, you should contact the Morrow County Regional Planning Office first for assistance. RPC offers a technical review process that brings together all county offices (i.e. Health Department, County Engineer, Soil & Water, Planning, and Zoning) in a single meeting that can save you a lot of time.

## Contact Information

Cardington Twp Zoning Inspector (Len Robinson) – Tel. 740-360-5791

Morrow County Regional Planning Office – Tel 419-946-1911

Website: [WWW.MorrowRPC.org](http://WWW.MorrowRPC.org)  
Location: 80 North Walnut Street  
Mount Gilead, OH 43338

Morrow County Health Dept. – Tel. 419-947-1545

Website: [WWW.MorrowCountyHealth.org](http://WWW.MorrowCountyHealth.org)  
Location: 619 West Marion Road  
Mount Gilead, OH 43338

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## **CARDINGTON TOWNSHIP ZONING RESOLUTION**

Whereas, the Board of Trustees of Cardington Township deems it in the interest of the public health, safety, morals, and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Cardington Township that such zoning resolution is hereby created.

### **SECTION I PURPOSE – INTENT**

This zoning resolution is adopted to promote the public health, safety, morals, comfort, property and general welfare; to protect and conserve property and property values; to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan. More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development; and
2. To improve the public safety by locating building and uses adjacent to major thoroughfares, so they will cause the least interference with and be damaged lest by, traffic movement; and
3. To provide open spaces for light and air, to prevent excessive concentration of the population where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development; and
4. To guide the future development of the township in accordance with a comprehensive plan, and assure economical extension of public improvements and services.

### **INTERPRETATION**

1. The provisions of this Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive, they shall prevail.

## SECTION II – DISTRICTS

The Township is hereby divided into the following districts:

- A) Agriculture which is hereby permitted as “A” in all Districts – Green.
- B) Residential Zone which is hereby designated as “R” District – Yellow.
- C) Limited Commercial Zone which is hereby designated as “C” District – Red
- D) Industrial Zone which is hereby designated as “I” District - Blue
- E) Special Use which is hereby designated as “DU” District, i.e. cemeteries, schools, parks, churches, public facilities, etc – Purple.
- F) Planned Unit Development which is hereby designated as “PUD” District – Brown.
- G) Flood Plain Overlay District which is hereby designated as “FP” District.

The districts as shown on the map attached hereto are hereby established and said map is made a part hereof. (include map)

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribe herein for the district in which it is located.

## SECTION III – AGRICULTURE

1. Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located. For the purposes of this Resolution, “Agriculture” shall include farming, dairying, viticulture, and animal and poultry husbandry, or any tract of land of 10 acres or more which has been in agricultural use for the last three years. A smaller tract may be included if the tract produced a gross income of \$2,500 or more from sales of agricultural products during the previous three years. In order to be eligible, the land must be devoted to agricultural use. (check definition against ORC)
2. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulations when remodeling an existing farm residence.
3. Owners or operators of land used for agricultural purposes shall not be required to obtain a building permit or conform to zoning regulation when building a new residence provided that:
  - a) The residence is to be occupied by owner, operator or persons engaged in the farming operations, and meet the setback requirements in Sections X, XII, and XIV.
  - b) The residence is at least two hundred feet (200 ft.) from any recorded platted residential lot or existing residence.

## SECTION IV RESIDENTIAL

There is hereby created a "Residential Zone" which includes all territory not included in the Commercial Zone for Cardington Township, Morrow County, Ohio.

### R District (Residential)

The following uses and no others shall be deemed Class "R" uses and permitted in all "R" Districts.

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins and travel trailers.
2. Tourist homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.
- 2A. Bed & Breakfast, a facility offering overnight accommodations for guests and limited meal service to those guests with a maximum of six (6) guest rooms. The building or premises may also contain permanent accommodations for the owners and managers and a limited accessory use.
3. Church, school, college, university, children's home public library, public museum, community center, fire station, township hall, publicly-owned par, publicly-owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of such dwelling which will alter its outward appearances as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of the Resolution.
5. Hospital, sanitarium or rest home caring for four or more patients, for other than drug or liquor addicts, contagious diseases, insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less the five (5) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet, if abutting on a public thoroughfare, other than an entrance and exit drive.
6. Roadside stand consisting of a removable structure used only for the display and sale of agricultural products produced on the premises, provided that adequate facilities are maintained for off-the-road right-of-way parking by customers and provided that such stand is removed during the seasons when it is not actually used. Such stand shall be at least twenty (20) feet back from the traveled portion of the road or as otherwise required by ODOT.
7. Mobile Home Parks.

8. Mobile homes may be located in the residential district. When so located said mobile homes shall meet the set back provisions in Sections X, XII, XIII, and XIV.
9. A copy of the application for an Access Permit from ODOT if the property is located on a State Highway must be submitted at the time they are requesting a permit from the Zoning Inspector. A copy of the Access Permit must be submitted to the Zoning Inspector prior to receiving a permit.
10. The property owner shall have a house number assigned to the property. An address sign shall be installed outside of the right-of-way adjacent to the driveway. The sign needs to be Six inches by eighteen inches (6" X 18") with three inch (3") reflective numbers. Address signs may be obtained from the House Numbering Office or the Local Fire Department.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas noise, fumes, flame or vibration.

#### **Temporary Living Space**

Temporary living spaces or those spaces used until the main dwelling is completed (and generally located in basements, garages, or non-structures such as trailers), shall not be permitted in any residential district unless a permit is granted and permit fee paid. Such permit not to exceed twelve (12) months. Note: if property in on State Highway owner must submit a copy of the Access Permit prior to receiving a Temporary Permit and a Six Inches by Eighteen inches (6" X 18") with three inch (3") reflective numbers house number sign installed outside of the right-of-way adjacent t the driveway. A dwelling however may be occupied on or above the ground floor before it is entirely completed, if approved by the Township Zoning Inspector.

### **SECTION IVA MOBILE HOME PARK**

#### **A – PURPOSES AND CHARACTERISTICS**

The purpose of this Section is to recognize the increasing demand for the mobile home park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide location requirements and development standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

#### **B – PROCEDURES AND REQUIRMENTS**

Application: the owner of a tract of land twenty (20) acres or more in area, located in any Residential District may submit a plan for the development and use of such tract as a Mobile Home Park.

Under the provisions of this Resolution, such plan shall be accompanied by a written agreement in a form acceptable to the County Prosecutor, on behalf of the owner, his successors and assigns, as follows:

- a. That the fixed installations of the proposed development, as shown on the plans and as set forth in the specifications, will be completed within such a time period as may be agreed upon by the Township Zoning Commission; and,
- b. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities, and equipment and all landscaped and other common open space will be maintained for along as such mobile home park is in existence, including such servicing as may be required for the use of such land and improvement; and
- c. That no future changes in the mobile home park shall be made which would encroach upon any land used to comply with the requirements of the Resolutions as to density, open space, yards, vehicular access or parking; and
- d. That all private drives shall be open at all times for access by publicly employed personnel to inspect utility lines and to equipment for police and fire protection; and
- e. That tenant occupancy regulations, acceptable to the Commission and Morrow County Board of Health, shall be posted on the premises and enforced at all times.
- f. The applicant shall submit a copy of the application for an Access Permit from ODOT if the property is located on a State Highway. Each lot split must have an Access Permit issued prior to Zoning Inspector action.

#### C – REVIEW BY ZONING COMMISSION

The Commission shall base its action on a finding that the plans for the proposed Mobile Home Park comply with the following section:

- C-1 – Uses Permitted
- C-2 – Location Requirements
- C-3 – Development Standards
- C-4 – Mobile Home Site Standards

#### C-1 – USES PERMITTED

Notwithstanding the uses otherwise permitted in the Zoning District in which the tract is located, the uses permitted in a Mobile Home Park shall be limited to the following;

**Principal Uses**

Mobile Homes, limited to a single family residential occupancy, not including transient or vacationing families or persons and not including the storage, display or sale of mobile homes on the premises.

Public Parks and specialized recreation centers;

**Accessory Uses**

Home Occupations, as limited by Section IV

A permanent dwelling for on (1) family, office and maintenance facilities for the operation of the Mobile Home Park.

Facilities for recreation, children’s nursery, kindergarten, laundry or similar services for the occupants.

Off-street parking lots or garages.

**C-2 LOCATION REQUIREMENTS**

In addition to the requirements set forth in Section B hereinbefore, each Mobil Home Park shall comply with the following requirements as to location.

- 1) Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.
- 2) Shall be located as to assure a maximum of compatibility with other types of residential development.

**C-3 DEVELOPMENT STANDARDS**

All Mobile Home Parks shall comply with the requirements of the Ohio Department of Health, and shall be approved by said Department before zoning approval is given under the provisions of this Resolution. In addition to requirements of the Ohio Department of Health, the location and arrangement of land, structures and mobile homes within a Mobile Home Park shall be in accordance with the following standards:

- 1) Minimum size of park, twenty (20) acres.
- 2) Minimum lot size within a Mobile Home Park, five thousand (5,000) square feet.
- 3) Utilities Required:



- a) Each lot for an individual mobile home shall be provided with an outlet to a water supply, and a connection to a sewer, both of which have been approved by the County authority having jurisdiction.
  - b) The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the County Engineer.
- 4) General Dimensions: Dimensions relating to the Mobile Home Park tract as a whole shall be as follows:
- a) Minimum tract width at the abutting public street three hundred (300) feet, if abutting on a street, other than entrance and exit drives.
  - b) Minimum front yard depth – fifty (50) feet.
  - c) Minimum lot width – fifty (50) feet.
- 5) Private Drives and Public Streets
- a) Private drives may be used to provide vehicular access to mobile home lots. Such drives may be dedicated streets, provided that they comply in all respects with the standards of the Subdivision Regulations for dedicated streets.
  - b) Where private drives are provided, the width thereof shall be not less than fifty (50) feet and each drive shall be paved for a width of not less than thirty (30) feet. Such pavement shall be constructed of not less than six (6) inches of impervious material on a prepared sub-grade.
  - c) There shall be common walks three (3) feet or more in width within all private drives and dedicated streets, providing pedestrian access to all mobile home lots. Such walks shall be construction of not less than four (4) inches of impervious pavement material on a prepared sub-grade.
- 6) Landscaping: The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following:
- a) Lawn, covering all areas not specifically requiring other surfacing.
  - b) Trees, intended to provide shade for the mobile home lots.
  - c) Shrubs or other material to provide reasonable separation of mobile home lots.

**C-4 MOBILE HOME LOT STANDARDS**

The lot for each individual home in the park shall comply with the following requirements:

- a) Minimum size of each lot shall be no less than five thousand (5,000) square feet in area, shall be not less than fifty (50) feet in width at the point where the mobile home sits, and shall abut on a street or access drive for not less that twenty (20) feet.
- b) Minimum floor area of any mobile home used as a dwelling on the premises shall be six hundred (600) square feet.
- c) Each mobile home lot shall be provided with a paved outdoor living area of not less than one hundred eighty (180) square feet. Such area shall be paved with not less than four (4) inches of concrete or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than two (2) feet in width.
- d) Mobile homes may be parked and occupied in areas other than mobile home parks, provided a permit is granted, and provided that not more than one mobile home is on a lot and is not located in a front or side yard of an existing residential dwelling. Also, compliance to all set back and lot area provisions outlined in Sections X, XII, and XIV must be met. The continuous location of a mobile home on any one location in the township for a period of fifteen (15) day shall prima facie make the provisions of this section applicable.

**SECTION V – LIMITED COMMERCIAL and INDUSTRIAL DISTRICT**

There is hereby created a “Limited Commercial Zone” in Cardington Township known as “C” District.

The following uses and no others shall be deemed class “C” uses and permitted in al “C” districts:

- 1. Any use permitted in an “R” District shall be permitted in “C” District.
- 2. Retail, wholesale, merchandising establishments and such business or professional services necessary to the convenience and well-being of the adjacent residential community.
- 3. The above uses shall be permitted, providing such is not noxious, dangerous or offensive by reason of gas, noise, flame smoke, dust, fumes, vibration or odor.
- 4. Setback of 75 feet from an “R” District; 50 feet from any “I” District; 75 feet from the road; and 75 feet rear clearance.
- 5. One acre minimum area

6. Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.
7. Trash disposal/dumpster area must be screened on all sides with a six-foot high uniform, opaque fence.

### **INDUSTRIAL DISTRICT**

There is hereby created an “Industrial District” in Cardington Township, known as “I” District. This district is intended to accommodate uses with provide for the repair, storage, compounding, processing, manufacturing or assembling of materials or parts, provided that the emission of smoke, duct fumes, vibration, odor, and levels such that they will not have and adverse or detrimental affect on surrounding residential and business districts.

The following uses shall be deemed Class “I” uses and permitted:

1. All uses permitted in a “C” or “R” District.
2. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
3. Warehouse storage and distribution facilities, buildings, railroad and truck transfer or terminal facilities, and parking areas.
4. The manufacturing, compounding, processing, assembly or repair of products when conducted wholly within a completely enclosed building or within an area enclosed on all sides by a six-foot-high obscuring fence or wall.
5. Contractor’s offices, repair and storage yards, lumber and building material sales, yards; provided all materials are located within an area enclosed on all sides by a six-foot-high obscuring fence or wall.
6. Public Utilities installation, such as gas and electrical service buildings, water or gas storage tanks, pipeline pumping stations and similar utility uses.

The owner of a tract of land which is suited for Industrial development my submit a preliminary plan to the Zoning Commission for it review, regardless of the classification of such tract at the time said plan is filed. The plan must include the following:

1. Minimum lot size of three (3) acres.

2. Setback of on hundred (100) feet from any “R” District, fifty (50) feet from any “C” District; one hundred (100) feet from road; and on hundred (100) feet rear clearance.
3. At least tentative approval of all applicable County, State and/or Federal government agencies.
4. Trash disposal/dumpster area must be screened on all sides with a six-foot-high uniform, opaque fence.

Where an Industrial District abuts a Residential District:

1. Those sides abutting Residential property must have a one hundred (100) foot greenbelt.
2. The area of use and all parking areas shall be screened by a six-foot-high obscuring fence approximately landscaped to be harmonious with surrounding properties.
3. Continuous use of loudspeakers, horns, whistles, or lighting that causes a hazard or annoyance shall not be permitted.

Other conditions:

1. All outdoor storage areas shall be enclosed by an s six-foot-high obscuring fence or wall.
2. Maximum height of any structure shall not exceed fifty (50) percent of said structure’s setback from any neighboring property.
3. Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.

#### **SECTION VI – PROHIBITED USES**

The following shall be deemed objectionable and shall not be permitted in any “R”, “C”, or “I” districts:

1. Metallic powder works.
2. Chemical plants which could have a by-produce polluting the air, land, or water.
3. Crematory
4. Distilling of bones, fat or glue, or gelatin manufacturing.

5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor theatres.
8. Commercial race tracks.
9. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building.
10. Manufacture or storage of explosives or fireworks, except as provided in Section XVI.
11. Amusement parks.
12. Competition of motorized vehicles.
13. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example. Lions, tigers, bears, (including those native to Ohio), alligators, wild cats, poisonous reptiles of all types; as well as boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

Definition of an “inherently dangerous animal”

Any animal that possesses a possibility of any one or more of the following:

- a) Harmful competition to native wildlife.
- b) Introduction of diseases or pests harmful to humans, domestic animals, or wildlife.
- c) Threatening wildlife or natural resources.
- d) Endangerment to human physical safety

Inherently dangerous animals are not animals considered common pets or common farm animals.

14. Tires, disabled automobiles, and trucks.

### **SECTION VII – NON-CONFORMING USES**

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and y further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within on (1) year after this resolution takes effect.
3. Any building or structure, existing as a no-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored proving the same is done with two (2) years from the date of said destruction.
4. A building or structure devoted to a no-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.
5. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

### **SECTION VIII – OUTDOOR ADVERTISING**

For the purposes of this Resolution, outdoor advertising shall be classified as business use and shall be permitted in any “C” district and lands used for agricultural purposes, subject to the regulations contained in this Resolution:

1. Signs no larger than three (3) square feet in area are permitted establish residential districts when the use of the sign is in direct relation to the premises. Signs in conformity with the above limitations shall not require a zoning permit.
2. An outdoor advertising sign or bill board, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign, except those mentioned in paragraph 1 of this section shall be placed nearer than thirty (30) feet from the center of the road and in all conditions at least outside of the right-of-way of any road or highway.

4. No outdoor advertising sign more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to any neighbors. Signs shall not be animated or flashing so as to distract or interfere with traffic. Signs with a changing message shall require a special use permit.
6. Outdoor advertising signs must be removed from a property within thirty (30) days after that property ceases to be used for that purpose.
7. All outdoor advertising signs must be maintained in good repair and in a safe, neat and clean condition. The Cardington Township Zoning Inspector may cause to have removed or repaired immediately without written notice any sign that he or she judges to be insecure, in danger of falling, or otherwise unsafe, and as presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

#### **SECTION IX, FLOOD PLAIN (FP) OVERLAY DISTRICT**

Specific areas adjacent to streams within Cardington Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas b unsuitable land uses, and the cumulative effect of obstruction flood plains, causing increased flood heights and velocities.

##### **A) Purpose**

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Cardington Township by:

1. Restricting or prohibiting uses and activities that are dangerous to health safety or property in times of flooding, or cause excessive increase in flood height or velocities;
2. Controlling filling, grading, dredging and other development which may increase flood damage; and
3. Controlling alteration of natural flood plains stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

##### **B) Scope and Application**

This Article shall apply to all lands within Cardington Township shown as within the 100 year flood plain, as identified by the Federal emergency Management Agency on the Flood Insurance rate Map Numbers and dates as follows: 390868 dated April 1, 1992.

The above Flood Insurance Rate Map with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments is hereby adopted by reference and declared to be apart of this Article.

C) Overlay District Designation

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, shown on the Official Zoning District map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

D) Interpretation Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps reference in Section B above. Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

E) Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Flood Plain Overlay District boundaries or land use permitted within such district will be free from flooding and/or flood damage. This Resolution shall not create liability on the part of Cardington Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.



- F) Development Standards
- 1) Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district.
  - 2) No habitable structure shall be constructed within the FP District.
  - 3) No other structure shall be permitted within the identified flood plain, and no use shall be established, which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
  - 4) No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such a proposal, the Board shall seek the input of the Morrow County Soil and Water Conservation District or other consultant as determined by the board to be necessary to make such a determination. The applicant for the proposed development shall be responsible for the costs of such examination and/or analysis.
  - 5) The applicant proposing any development activity within the FP District shall obtain a flood plain development permit from Morrow County Board of County Commissioners and shall present evidence of same prior to receiving zoning approval for the proposed activity.

#### **SECTION X – PUBLIC UTILITIES RAILROADS**

This resolution shall not apply to public utilities or railroads.

#### **SECTION XA – CONDITIONAL USES**

- A. Statement of Intent. It is the intent of the conditional use process to allow appropriate uses, which have been so identified by this code, to exist in Cardington Township in locations where they are compatible with their surroundings. Conditional uses are so designated because, while they are appropriate, the intensity of use they require is generally greater than other uses in the district, and additional requirements are necessary to ensure compatibility. Amateur Radios & Equipment shall be exempt from these regulations.

B. Required Conditions for Approval of all Conditional Uses

General Requirements. All uses designated as conditional uses shall meet the following requirements:

1. Uses shall not be in conflict with the comprehensive development plan for Morrow County.
2. Uses shall be located in districts where they are designated as conditional uses by these regulations.
3. Uses shall not adversely impact the health, safety or welfare of the surrounding area as dictated by the performance requirements of each section of the code.

Specification Requirements. The following section contains additional required conditions to be met by an applicant for a conditional use. In addition to meeting the subsequent required conditions, all applicants for conditional uses shall be required to fully comply with any and all other applicable provisions of these regulations.

C. Wireless and Cellular Telecommunications Facility.

Application Requirements:

1. A preliminary development plan must be submitted to the Board at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - a. The location of all of the applicants existing facilities within the Cardington Township.
  - b. The general location of the planned future facilities.
  - c. For each location shown on the plan, there shall be listed:
    1. The location, type and size of the existing and proposed towers, antennas and equipment located at the site.
    2. The location of access easements and parking areas
    3. Detailed drawings of the screening plan and related design standards.

General Requirements for all Wireless and Cellular Telecommunications Facilities.

These regulations shall not unreasonably discriminate among providers of functionally equivalent services.

These regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

1. The applicant must co-located except where they can demonstrate by clear and convincing evidence that its telecommunication antennas or equipment can not be located on any other Wireless and Cellular Telecommunication Facility, in the geographic area to be served, and all reasonable means have been undertaken to avoid any undue impact caused by the clustering of more than two facilities within two hundred feet of each other. In determining whether a tower antenna can or cannot be located on another communication tower, building, or structure, the Board shall consider the space available on the existing structure, the technological practicability and other factors deemed appropriate by the Board.
2. Wireless and cellular facilities should be designed to accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-location facilities on a tower.
3. Applicants wishing to construct Wireless and Cellular Telecommunications Facilities which have satisfactorily demonstrated to the Board that they are unable to co-locate, are encouraged to locate new towers, antenna or equipment on public property, subject to the restrictions of this Section.
4. The application will hold the County harmless against all claims, demands, suits, cause of action and judgments due to any damage caused by the operation or construction of the facility.

Design Standards for Free-Standing Towers.

1. All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
2. All such uses shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.
3. All such users shall be located not less than five hundred (500) feet from any R-District, recorded subdivisions, or lot containing a dwelling other than a farm dwelling.
4. All such users shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.

5. The Wireless and Cellular Telecommunication Facility shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge of trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
6. The Telecommunication Facility must be aesthetically and architecturally compatible with the surround environment. The Board shall give special attention to areas of architectural and historic significance.
7. Any Telecommunications Facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the Telecommunication Facility shall require a new zoning certificate.
8. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and the Ohio Department of Transportation (ODOT) or their respective successors.
9. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the FAA, FCC, and the ODOT or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling pain and rust.
10. No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
11. The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.
12. Parking areas and general site lighting shall be designated and installed to avoid casting direct light or glare onto surrounding properties

Telecommunications Equipment on Existing Structures.

1. All such uses shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.
2. All such uses shall be located not less than five hundred (500) feet from any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
3. All such uses shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.
4. The Wireless and Cellular Telecommunications Facility shall not exceed the lesser of twenty-five (25) feet or twenty-five (25) percent of the height of the structure on which it is located. The outside storage of vehicles or equipment, if not located inside the structure on which the tower, antenna or equipment is located, shall be screened by a minimum six (6) foot high solid fence or harrier and continuous evergreen hedge or trees of a size deemed appropriate by the board.
5. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one squire foot in size. The applicant is responsible for ensuring that the Telecommunications Facility is kept free of weeds and trash.
6. The telecommunications Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
7. Any Telecommunication Facility shall be removed within (1) year of ceasing operation. The transfer of ownership of the Telecommunications Facility shall require a new zoning certificate.
8. The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including the FAA, FCC, and ODOT or their respective successors.
9. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain or be illuminated by artificial lights, beacons, or strobes, unless otherwise required by the FAA, FCC, ODOT, or their respective

Successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint and rust.

10. No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
11. The lot on which a Telecommunication Facility is located shall meet the minimum lot size, frontage and yard requirement of the District in which is located.

D. Outdoor Advertising signs

1. Lighted, electric, or electronic signs shall be considered for conditional use under the following restrictions:
  - a. Animation, flashing, or moving messages are prohibited.
  - b. Cycling, changing or otherwise changing messages shall have a cycle time greater than 5 seconds.
  - c. Are otherwise subject to judgement by the Board of Zoning Appeals as in general compliance with the intent of the Zoning code.

**SECTION XI – MINIMUM LOT AREA PER FAMILY**

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than forty-three thousand five hundred (43,500) square feet of lot area with a minimum width of two hundred (200) feet at building line unless such lot was designated on a recorded plat and separately owned at the time this Resolution took effect and subject to morrow county regional planning commission subdivision regulations.
2. No two-family dwelling shall be erected or building altered, for dwelling purposed to accommodate more than on (1) family on less than forty-three thousand five hundred (43,500) square feet or lot area per family with a minimum width of two hundred feet (200') along an existing public road and subject to Morrow County Regional Planning Commission Subdivision Regulations.
3. In computing lot areas, no part of the street or road right-of-way may be included, although may lot owners hold title to one-half of said street or road.
4. In developments providing a sewage treatment facility and public water the minimum square lot footage may be reduced to twenty-one thousand seven hundred fifty (21,750) square feet per lot.

5. No lot shall be more than three (3) times deeper than it is wide, with the width being the front lot line or that portion which runs along a street, road or highway.
6. There shall be one dwelling per one (1) recorded lot.
7. Effective (date this revision of zoning text goes into effect), the following residential lot configurations are prohibited in all Districts: flag lots, and all other odd shaped lots, including T-lots and pie shaped lots.

## **SECTION XII – MINIMUM DWELLING SIZES**

1. No single-family one-story dwelling shall be erected with less than nine hundred (900) square feet of gross ground floor area, exclusive of breezeways, perches, terraces, and garages.
2. No single-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
3. No tow-family one-story dwelling shall be erected with less than nine hundred (900) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
4. No two-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
5. Should a mobile home be placed on a single lot, then it shall comply with the following requirements:
  - a. It shall be placed on two (2) concrete runners two (2) feet wide and six (6) inch thick concrete with the frame of the trailer entered on the runners or, a six (6) inch continuous pad of concrete centered under the frame of the trailer and adequately tied down.
  - b. Wheels and tongue shall be removed.
  - c. Skirting to be placed around the perimeter of mobile homes and manufactured housing must be designed specifically for mobile home and manufactured housing.
  - d. Mobile homes shall be a minimum of eight hundred (800) square feet in floor area. Mobile homes shall be used only as dwelling. There will be no additions to or joining of mobile homes to bring mobile homes into compliance. Also, no portion of a mobile home (including the frame) may be connected to another mobile home. Additions to a mobile home must be on a permanent foundation and have an outside exit.

- e. Only one (1) mobile home can be located on one (1) recorded lot.
- f. A mobile home cannot be brought on a lot to be repaired, rebuilt, or remodeled with intent to sell.
- g. Prohibit residency without a Morrow County Health Department – approved septic and water systems.

### **SECTION XIII – SETBACK LINES**

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) Feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any street or road. Provided, however, that there is an existing dwelling located with the tow hundred (200) Feet of the proposed building or structure said proposed building or structure shall conform to the setback if said existing dwelling has a setback of less than fifty (50) feet, and may conform to the setback of said dwelling if said existing dwelling has a setback of less than fifty (50) feed. But in no event shall the proposed building or structure have a setback less than the most adjacent dwelling.

### **SECTION XIV – SIDE LOT CLEARANCE**

For every building erected in an “A” district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garage or accessory building connected with the main building by a breezeway or other permanently construed connection shall be considered to be part of the main building for the purpose of this section. All accessory buildings shall be the same.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots; provided, that it will be not less than twenty (20) feet distance from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

For every building erected in a “C” district there shall be a minimum side lot clearance from any “R” district zone of not less than fifteen (15) feet, which space shall remain open and unoccupied by the building or structure.

### **SECTION XV – REAR LOT CLEARANCE**

For every building erected in an “R” district and for every dwelling in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.



**SECTION XVI – CORNER LOTS**

The setback building line on a corner lot shall be in accordance with the provisions governing the road or highway on which the building faces. The side yard clearance on the side road shall conform to the setback line for an interior lot on said street or road.

**SECTION XVII – QUARRYING, MINING, DEVELOPMENT OF NATURAL RESOURCES AND RELATED PROCESSING ACTIVITIES**

The regulations under this section are established to protect adjacent areas and to control noises, vibrations, dust and other objectionable influence so as not to endanger the health and safety of adjoining property owners and users, while at the same time permitting the development of natural resources that may be found in the township.

1. The mining or quarrying of rock, sand, gravel, clay and mineral ore deposits, and drilling for oil or gas shall be permitted in all zones in the township subject to the following regulations.
  - a. Application for such operations shall be made to the zoning inspector, showing the proposed location of the operation as well as the proposed location of any structure to be placed thereon.
  - b. The fee for a zoning permit for such operation shall be Ten Dollars (\$10.00), which permit shall be valid for on (1) year. Thirty (30) days prior to the expiration of said permit an application for renewal shall be filed with the zoning inspector. If the zoning inspector finds that said operation is in accordance with the original application and this resolution, he/she shall issue a renewal certificate upon the payment of a one dollar (\$1.00) fee. Said application shall be subject to renewal from year to year so long as the operation continues. In addition to the permit herein required, all other permits provided for by this resolution shall also be required and obtained.
  - c. Upon termination of operations, all equipment and structures shall be removed by the operator within six (6) months after termination and the land therein shall revert to the zone in which it was zoned prior to the issuance of said certificate.
  - d. Land buildings on the premises described in the application may be used for the following purposes: mining, quarrying, excavating, processing, removal and stockpile of rock, sand gravel or clay; rock crushing plants, batching plants, mixing plants for either Portland cement or asphaltic concrete, block or tile plants.
  - e. All equipment used in such operations shall be maintained, operated and blasting shall be performed, in such a manner as to eliminate vibration, dust or fragments of stone which are injurious or annoying to persons living or working in the vicinity.

- f. Boundaries of property or operations shall be fenced and posted, or open pits shall have a slope of not less than one (1) foot horizontal to one (1) foot vertical. Pits in which production has been completed shall not be used for dumping of rubbish.
- g. Blasting and quarrying operations with the exception of loading out of finished products shall be conducted between six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. except that the Board of Appeals may extend hours of operation when it has been determined to the satisfaction of the board that an emergency requiring extended hours exists. Application for an extension of hours shall be by appeal to the Board of Appeals as provided in the Appeals section herein.
- h. Stone products emitting dust, stripings, or soil shall not be stock-piled so as to create an annoyance.
- i. No main or accessory building shall be located nearer than seventy-five (75) feet from a public road.
- j. No excavation shall be permitted nearer than two hundred (200) feet from a public road, or adjacent property line.
- k. No processing, rock crushing plants, batching plants, mixing plants for either Portland Cement or asphaltic concretes, or block or tile plants may be located nearer than five hundred (500) feet from an existing residence. Any residence located on the premises of the operation shall not be considered in determining the foregoing.

**SECTION XVIII – SEXUALLY-ORIENTED BUSINESSES**

Sexually oriented business must be at least 1,500 feet from the outer boundaries of residences, schools, churches or parks. The purpose of this is to regulate sexually-oriented business to promote the health, safety, and general welfare of the citizens of Cardington Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented business within the township. It is not the intent of the township to restrict or deny access by adults to materials protected by the First Amendment. There is convincing evince that sexually oriented businesses, because of their very nature, have a detrimental effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and a downgrading of property values.

A sexually-oriented business is defined as (including but not exclusive of):

Adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

1. Adult arcade means any place in which the public is permitted or invited wherein coin-operated or slug-operated electronically, or mechanically-controlled still or motion picture machines, projectors, or other images-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
2. Adult bookstore or adult video store means a commercial establishment which as one of its business purposes offers for sale or rental any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slide or other visual representations which depict or describe “specified sexual activities,” or “specified anatomical areas.” Or, the establishment sells any of the following instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”.
3. Adult cabaret is a night club, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a G-string. No public nudity is permitted.
4. Adult motion picture theater is a commercial establishment that presents materials for observation by its patrons, films, motion pictures, video cassettes, slide or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
5. Adult theater is a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
6. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage is offered as an incidental or accessory service.

## **SECTION XIX – PLANNED UNIT DEVELOPMENT ZONING**

It is Cardington Township's policy to promote progress and orderly development of land by encouraging Planned Unit Development zoning. It is the intent of this designation to provide:

1. A maximum choice of living environments by allowing a variety of housing and building types.
2. A more useful pattern of open space and recreational areas.
3. A development pattern which preserves and utilizes natural topography and geographic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development.

In order to obtain approval, the proposed planned unit development project shall comply with the following general requirements:

1. It is consistent with the purposes and intent of the Cardington Township Zoning Code.
2. It promotes the general welfare of Cardington Township.
3. It provides, through desirable arrangement and design, benefits which justify deviations from the development standard which otherwise would apply.

### **Minimum Lot Size**

A minimum of fifteen (15) acres is required for a planned unit development project. The minimum lot size as required by Cardington Township may be reduced from the standards contained in the Zoning Code.

### **Open Space**

Development of fifteen (15) or more acres must set aside five (5) percent of each fifteen (15) acres developed of the total land for recreation space and common open space. This common open space shall be for the use of each individual who buys property within the development. The responsibility for the maintenance of all open space shall be specified by the development. Flag lots are exempt from this green space requirement.

## Submittal Process

The developer of a proposed planned unit development shall consult with the Morrow County Regional Planning Commission to determine if the project is a subdivision, in a manner set forth in the Subdivision regulations. In such case, approval by Cardington Township of the planned unit development project under the provisions of the Zoning Code shall be tentative, and may be revoked if a final subdivision plan is not submitted and approved within one (1) year after such tentative zoning approval.

The developer is encouraged to submit a preliminary development plan to Cardington Township Zoning Commission. The purpose of this optional plan is to familiarize the developer with the provisions, standards and requirements for this section prior to detailed engineering work. Upon receipt of a preliminary plan, the Cardington Township Zoning Commission shall meet to consider such plan and provide recommendations to the developer regarding the final development plan.

An application for approval of a final development plan shall be submitted to the Cardington Township Zoning Commission. Each application shall be signed by the developer attesting to the truth and exactness of all information supplied. The final development plan shall include all information which the Cardington Township Zoning Commission deems necessary, including:

1. A survey of the development site showing property lines, area topography and existing features of the site.
2. The locations and sizes of the lots and locations and the sizes and uses of structures.
3. A schedule showing the completion date of the structures to be built, together with a description of all building designs.
4. Landscape plans.
5. Deed restrictions, protective covenants and other language to be used in controlling the use, development and maintenance of the area.

The review and action of a final development plan by the Cardington Township Zoning Commission and the Cardington Township Trustees shall follow the procedures set forth in this Zoning Code for amendment of the zoning map. This includes postings of notices, request for a recommendation from the Morrow County Regional Planning Commission, public hearings and final action by the Cardington Township Trustees. If the approved development is not installed in accordance with the plans and requirements of this section within four (4) years of the date of approval, such approval shall become null and void, and the land returns to its original zoning.

## **SECTION XX – ZONING INSPECTOR AND CERTIFICATES**

1. The position of township zoning inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for Zoning Certificates and the action taken hereon. The zoning inspector has 10 business days to act on a plat or zoning certificate.
2. Before construction any building (excluding buildings incident to agricultural purposes), changing the use of or altering any building or structure (including accessory buildings or changing the use of any premises), or undertaking any action requiring a zoning permit under this resolution, application shall be made to the Township Zoning Inspector for a zoning certificate. The applicant shall indicate the exact location of the proposed construction of the proposed construction and submit a plot plan showing the proposed location and dimensions and the proposed use.
3. A zoning Certificate shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of application and Certificate granted thereon.
4. A zoning Certificate shall expire on (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Certificates.
5. Application for Zoning Certificates shall be accompanied by a fee outlined the Fee Schedule in Appendix “C”.
6. Application for a Mobile Home Park Zoning Permit or for approval of additions thereto shall be made to the zoning Inspector, and shall be accompanied by a fee outline the Fee Schedule in Appendix “C”. Prior to locating a mobile home on any home lot within a mobile home park the owner of said mobile home park shall apply for a zoning permit from the zoning inspector, which shall be accompanied by a fee outlined in the Fee Schedule in Appendix “C”.
7. No zoning permit shall be issued until the Zoning inspector is assured that all permits for water and septic or sewer are first obtained from the County Health Department.
8. No permit shall be required for minor alterations, remodeling or repairs on a building, provided that the gross floor area is not enlarged. No permit shall be required for a temporary removable structure erected as part of a construction project nor for construction of roads, sewers, service lines, utility lines or driveways.

**SECTION XXI – APPEALS AND HARDSHIPS**

Appeals from the action of the Township Zoning Inspector shall be taken as provided by Ohio Revised Code Chapter 519 paragraphs 13, 14, and 15 See Appendix “A”.

**SECTION XXII – AMENDMENTS AND SUPPLEMENTS**

Amendments and supplements to this Township Zoning Resolution and the maps herein referred to shall be accomplished as provided by Ohio Revised Code Chapter 519 paragraphs 12, 12.1, and 12.2 See Appendix “B”.

**SECTION XXIII – ENFORCEMENT**

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each day and every day during which such illegal erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.
  
2. In case any building is, or is proposed to be, located, erected, construction, reconstruction, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township 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 injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The board of Township trustees may employ special counsel to represent it in ay proceedings or to prosecute any actions brought under this section

**SECTION XXIV – EFFECT OF INVALIDITY OF ONE SECTION**

This resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

**SECTION XXV – EFFECTIVE DATE**

This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

## **SECTION XXVI – DEFINITIONS**

- A. Intent – The following terms shall have, throughout this text, the meaning given herein:
1. The work “shall” is to be interpreted as mandatory and not directory; the work “may” is permissive;
  2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tens, unless the context clearly indicates the contrary;
  3. The work “township” shall mean Cardington township, Morrow County, Ohio, the term “Commission” shall mean the Zoning Commission of said township, the term “board” shall mean the board of Zoning Appeals of said Township, and the term “Trustees” shall mean the Board of Township Trustees of said Township.
- B. Areas
1. Area of Buildings – the area oat the ground level of the main building and all accessory buildings (excluding un enclosed porches, terraces and steps) measured from the outside surface of exterior walls.
  2. Area of Lot – the total horizontal area within the lot boundary lines of a zoning lot.
- C. Buildings and Structures
1. Structure – that which is constructed, located more or less permanently on the ground or attached to something located on the ground.
    - a. Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, and walls;
    - b. Excluding trailers and other vehicles whether on wheels or other supports.
  2. Building – a structure which is permanently affixed to the land, has one or more floors, and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with “structure” unless otherwise noted, and shall be construed as if followed by the words “or parts thereof”.
  3. Main Building – the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.



4. Accessory Building – a subordinate building detached from but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.
5. Building Line – (Synonymous with setback line) – a line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.

D. Dwellings and Other Living Accommodations

1. Dwelling Unit – space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as apace and equipment for bathing and toilet facilities – all used by only one (1) family.
2. Dwelling – a building designed or occupied exclusively for non-transient residential use (including on (1) family, tow (2) family, or multi-family buildings).
3. One-Family Dwelling – a building consisting of on (1) dwelling unit only, detached or separated from other dwelling units by open space.
4. Two-Family Dwelling – a building consisting of two (2) dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance(s) including duplex and flats.
5. Rooming House – a building operated by a resident family accommodating for compensation, on (1) to four (4) (inclusive) persons by the week, or for a more extended period of time.
6. Tourist Home – a one (1) family dwelling, operated by a resident family in which Only overnight guests are lodged for compensation
7. Boarding House – a one (1) family dwelling operated by a resident family in which guests are served meals for compensation.

E. Family

Either an individual, tow (2) or more persons who live together in one (1) dwelling unit and maintain a common household, related by blood, marriage or adoption.

F. Home Occupations and Professional Offices

1. Home Occupation – a gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family.

2. Home Office – a secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artists, engineer, lawyer, musician, and physician).

G. Junk or Auto Wrecking yard

Land used to dismantle more than one (1) motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.

H. Lot

1. Zoning Lot – a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used and buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot throughout this Resolution.
2. Corner Lot – a lot abutting on two streets at their intersections, where the interior angle or intersection is not more than 135 degrees.
3. Interior Lot – a lot other than a corner lot or through lot.
4. Front Lot Line – the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts a street.
5. Lot Depth – the mean horizontal distance of a lot measured between the front and rear lot lines.
6. Lot Width – the horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line.
7. Mobile Home Lot – a lot designated within a mobile home park which is the site for location of one (1) mobile home.

I. Non-Conforming Building and Use

1. Non-Conforming Building – a building existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Non-Conforming Use – the use of a building or land existing lawfully at the time this Resolution, or an amendment thereto became effective but which does not conform to the use regulations of the district in which it is located.

J. Roadside Stand

A removable structure used only, or intended to be used, only for the sale of seasonal agricultural products produced on the premises.

K. Signs

1. Sign – a structure or part thereof, or any devices attached to a structure or painted or represented on a structure, which shall display or include any letter, work, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement
2. Business Sign – a sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. Real Estate Sign – a “For Sale” or For Rent” sign relating to and located on the zoning lot.
4. Outdoor Advertising Sign – a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including a billboard).

L. Street

An existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

M. Mobile Homes

1. Mobile Homes/Manufactured Housing: “Manufactured Home” means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A 5414, certifying compliance with all applicable federal construction and safety standards.

2. Mobile Home Park – any premises occupied by, or designated to be occupied by, more than on (1) family in house trailers, or mobile homes, and shall include roadway, structure, vehicles, or enclosures used or intended for use as a part of the facilities of such mobile home park.
3. Concrete Pad/Strips – It shall be placed on two (2) concrete runners two (2) feet wide and six (6) inch thick concrete with the frame of the trailer centered on the runners or, a six (6) inch continuous pad of concrete centered under the frame of the trailer and adequately tied down.

N. Use

1. Use – any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied, or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. Main Use – the principal purpose or activity of a building, other structure or zoning lot.
3. Accessory Use – a use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

O. Variance

A modification of this Resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.

P. Yards

1. Yard – that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. Front Yard – the yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. Accessory Use – a use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

Q. Yards

1. Yard – that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. Front Yard – the yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. Rear Yard – the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
4. Side Yard – the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
5. Required Yard – the minimum yard required between a lot line and line for a building, to comply with the regulations of the district in which the zoning lot is located.

R. Agriculture

The use of land for farming, including dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, use shall be classified as agriculture only if it is the principal or main use of the land

S. Zone or District

Where either the work “zone” or “District” is used in this resolution, they shall be considered synonymous and are used interchangeably.

## APPENDIX “C” – FEE SCHEDULE

Note: Zoning Inspector has 10 business days to review and stamp plats on behalf of the Cardington Township Trustees & Clerk.

Application for zoning certificates shall be accompanied by the following fees:

1. Alteration or new construction of an accessory building, \$1.00 per \$1,000.00 valuation  
In all cases the fee accompanying the application shall not be less than \$10.00
2. Alteration or new construction of dwellings designed for occupancy by no more than two families, valuation of new construction or alteration up to and including \$50,000, \$1.00 per \$1,000 valuation. For valuation over \$50,000, a fee of \$50.00 plus \$.50 per \$1000 valuation over \$50,000.00. In all cases the fee accompanying the application shall not be less than \$10.00
3. Alteration or new construction of a Commercial or Industrial building, or dwelling designed to be occupied by more than two families, valuation up to and including \$50,000, \$2.00 per \$1,000 valuation. Valuation over \$50,000, a fee of \$100.00 plus \$1.00 per \$1,000 valuation over \$50,000. In all cases the fee accompanying the application shall not be less than \$20.00, In no case shall the fee accompanying any application herein exceed \$150.00
4. Fee per split for each new lot split shown on plat: \$100.00
5. Fee for Variance(s) or Appeal: \$100.00
6. Fee per each new Transfer to Adjoiner shown on plat: \$100.00
7. Rezoning a Parcel of Ground: \$100.00
8. Wireless and Cellular Communication Facilities
  - a) Application/Site Fee \$500.00
9. Drilling Permit for Gas & Oil Wells \$500.00 per site