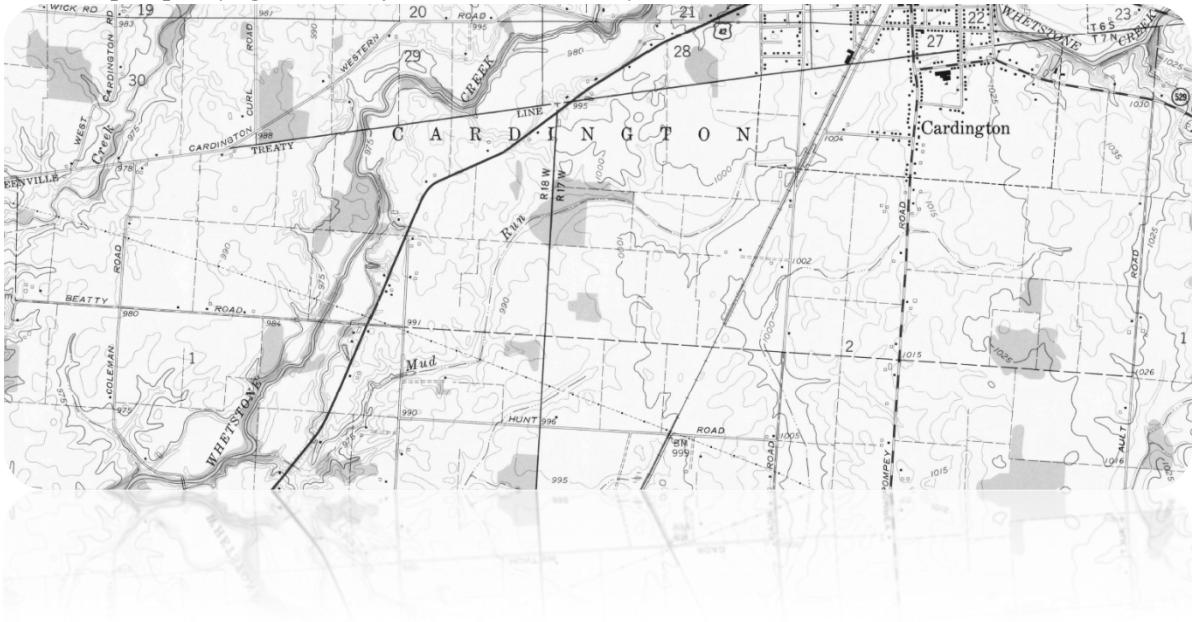


Cardington Township Zoning Resolution

- - *Morrow County, State of Ohio* - -

Adopted in the interest of public health and safety, as well as public convenience, comfort, prosperity, general welfare, as authorized by Ohio Revised Code Section 519.02.



- - Draft Version: June 17, 2025 - -

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CARDINGTON TOWNSHIP

EST. 1823

MORROW COUNTY, OHIO

Welcome to Cardington Township. We appreciate your cooperation in following the zoning regulations that apply to all unincorporated areas of the township. These guidelines help preserve the quality of life, protect property values, and promote orderly development across our community.

Purpose of the Zoning Regulations

The purpose of the Cardington Township Zoning Regulations is to promote the health, safety, and general welfare of the community by guiding land use and development in a manner consistent with the township's long-term vision. These regulations aim to balance the rights of property owners with the need to ensure sustainable growth, protect natural resources, and maintain the township's rural character.

If you are planning to change the use of a property or undertake new construction or improvements, we strongly encourage you to review the Zoning Resolution. It outlines what is required to obtain a Zoning Permit, if applicable. For questions about the regulations, the permitting process, or to obtain application forms, please visit our website at cardingtontownship.org or contact:

Chris Toombs, Cardington Township Zoning Inspector

Phone: (614) 499-6751

E-mail: zoning.cardingtontwp@gmail.com

Please note that the Zoning Inspector serves in a part-time capacity and does not maintain regular office hours. We appreciate your patience and understanding regarding response times.

Meetings of the Cardington Township Board of Zoning Appeals and the Cardington Township Zoning Commission are scheduled as needed, typically during evenings or weekends. Applications for these boards must be submitted through the Zoning Inspector and are accepted by appointment only.

Additional Planning Considerations

- **Septic Systems:** For properties not served by public sewer, new dwellings or other primary structures require an on-site inspection by the Morrow County Health District to plan and permit a septic system prior to obtaining a Zoning Permit.
 - Location: 480 Douglas Street, Mount Gilead, OH 43338
 - Phone: (419) 947-1545
 - Website: www.morrowcountyhealth.org
- **Lot Splits, Consolidations, and Adjustments:** If you are considering a lot split, subdivision, lot consolidation, or a lot line adjustment, please contact the Morrow County Regional Planning Commission (RPC). RPC coordinates a technical review process with multiple county offices to streamline your application.
 - Location: 80 North Walnut Street, Mount Gilead, OH 43338
 - Phone: (419) 946-1911
 - Website: morrowcountyohio.gov/morrow_county_regional_planning

We hope you find this information helpful and thank you for contributing to the continued well-being and orderly development of Cardington Township.

Sincerely,

Doug Heacock, Trustee
(419) 864-9209

Dan Green, Trustee
(419) 210-0037

Michael Patterson, Trustee
(419) 560-1700

Disclaimer: This content of this page is not considered to be a formal section of the Cardington Township Zoning Resolution and is subject to administrative amendment without requiring the procedures of the formal adoption process contained herein.

REVISION HISTORY

The following table depicts relevant dates of action by the Board of Trustees and electorate, where this document was modified, since the original adoption.

<i>DATE</i>	<i>SUMMARY</i>
November 3, 1987	Morrow County Board of Elections Certified that the Majority of Voters of Cardington Township approved the adoption of the Zoning Resolution.
July 24, 2000	Updated Zoning Resolution was updated.
_____, 2025	An updated resolution was adopted with reformatting and significant updates to address legal updates and community feedback from a 2024 Community Survey (see detailed revision list in “Appendix C”).

Disclaimer: This content of this page is not considered to be a formal section of the Cardington Township Zoning Resolution and is subject to administrative amendment without requiring the procedures of the formal adoption process contained herein.

RESOLUTION FOR REVISIONS TO ZONING RESOLUTION

Whereas, the voters of Cardington Township, Morrow County, Ohio approved the Cardington Township Zoning Resolution on November 3, 1987 in the General Election, in accordance with §519 of the Ohio Revised Code;

Whereas, the Board of Trustees of Cardington Township deems it in the interest of the public health, safety, as well as public convenience, comfort, prosperity, and general welfare of said township and its residents to update by amendment a general plan of zoning for the unincorporated area of said Township; and

Whereas, five (5) persons have been duly appointed by the Board of Trustees to serve as a Zoning Commission for said Township and they have approved a motion on _____ to recommend adoption of various updates to the Cardington Township Zoning Resolution and Cardington Township Zoning Map, affective more than ten (10) parcels of land.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Cardington Township hereby adopt the revised Zoning Resolution and Zoning Map on the date listed below, in accordance with the Provisions of §519.12 of the Ohio Revised Code; and

FURTHERMORE, BE IT RESOLVED, all Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Vote of the Board of Trustees:	Aye	Nay	Abstain
Doug Heacock, Trustee	___	___	___
Dan Green, Trustee	___	___	___
Michael Patterson, Trustee	___	___	___

Attested by Fiscal Officer:

Date of Approval:

Darla Hardwick

Effective Date:

ARTICLE I - - ADMINISTRATION OF REGULATIONS

Section 101 – Title

This Resolution, including the official Zoning District Map and all other appendices made a part hereof, shall be known and may be referred to or cited as the “Cardington Township Zoning Resolution.”

Section 102 – Authority

This Resolution is adopted in accordance with the authority granted in Ohio Revised Code §519.02.

Section 103 – Purpose

This zoning resolution is adopted to promote the public health, safety, public convenience, 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.

Section 104 – Interpretation

The provisions of this Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements. 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 105 – Separability

This Resolution took effect and has been in force since the February 3, 1987 certification by the Morrow County Board of Elections. If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clause, or part of this Zoning Resolution in one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 106 – Required Conformance

Except as herein provided in Article VII or Section 107, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or structure, or land be used, nor shall any excavation or fill be made, except for strict compliance with this Resolution.

Section 107 – Exempt Uses

The following uses are specifically exempted from this Resolution and no zoning permit or certificate is required for such use, as compliance with this Resolution is suggested but not required:

- 01) Agriculture – The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be permitted in all Zoning Districts established by this Resolution, and no zoning certificate shall be required for any such building or structure.

- A) Agriculture shall be regulated as follows in any platted subdivision approved under Ohio Revised Code sections 711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:
 - B) Agriculture is prohibited on lots of one (1) acre or less.
 - C) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to the setbacks, size and height requirements for the underlying Zoning District. Agriculture is permitted on lots greater than one (1) acre but not greater than five (5) acres, subject to the provisions of Section 107(1)(c).
 - D) Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty-five (35%) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty-five (35%) percent of the lots are so developed, ongoing dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to §519.19 of the Ohio Revised Code. Dairying, poultry and animal husbandry shall be prohibited on all lots within the subdivision after thirty-five (35) percent of the lots are so developed.
- 02) Agritourism – Agritourism shall be permitted in accordance with Ohio Revised Code §901.80 and §519.21(C)(4) as well as Pursuant to §519.21(C)(4), Agritourism is permitted in any Zoning District but is subject to the following regulations. Agritourism regulations do not apply to Farm Markets where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Though no Zoning Permit is required for such Use or any associated improvements, certain standards are necessary to protect the public health, safety, and general welfare. As such, the following shall apply:
- A) All Buildings and Structures utilized primarily for Agritourism shall adhere to the minimum front, side, and rear setback requirements established for the Zoning District in which it is located.
 - B) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in height.
 - C) All Buildings and Structures utilized primarily for Agritourism shall conform to all applicable commercial building regulations.
 - D) All parking demands created by this use shall be met on the same parcel where the Agritourism operation exists.
 - E) Parking areas shall be fifty (50) feet from any parcel zoned for residential use and fifteen (15) feet from any parcel zoned for non-residential use.

- F) Safe and adequate ingress and egress must always be provided and maintained.
 - G) Waste materials, solid or liquid, shall not be created on or imported onto the premises at a level that creates a burden on adjoining property. Permanent or temporary sanitary waste disposal shall be provided as regulated by the Morrow County Health District or Engineer.
- 03) Farm Markets – Farm markets shall be permitted in any Zoning District provided they derive at least fifty (50) percent of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year are permitted in any Zoning District, subject to the following regulations:
- A) Buildings less than two hundred (200) square feet must be placed at least fifteen (15) feet outside the road Right-of-Way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking.
 - B) For buildings two hundred (200) square feet or larger, off-street parking must be provided at the ratio of one (1) space for each four hundred (400) square feet of farm market. Seasonal farm markets may use grassed areas for parking.
 - C) Permanent farm markets shall have designated parking and provide ingress and egress in accordance with ODOT’s safe stopping distance requirements. Setbacks are the same as for any structure in the underlying Zoning District.
- 04) Government Facilities – The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any local, state or federal government agency for public use, including public school districts.
- 05) Public Utilities and Railroads – The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services.

Section 108 – Citations and References

All article and section citations within this Zoning Resolution shall be assumed to be referring to this Resolution unless otherwise expressly stated, implied, inferred, or in any other way made obvious. Citations of the Ohio Revised Code, as well as other laws and plans not found within this Resolution, reflect references which existed at the time of this Resolution’s adoption. Amendments to any cited law and/or plan, which may or may not alter a referenced code number and/or document name, does not necessarily invalidate said citation. Any such law or plan which has been revised shall be presumed to still be valid and enforceable, as amended, unless there exists substantive and verifiable evidence to the contrary.

Section 109 – Permits and Certificates Required

An application for a Zoning Permit shall be required prior to installation, modification, or other expansion of structures, buildings or use of land within the Township, except for permitted uses in the Agriculture “A” District that are located at least two hundred (200) feet from neighboring properties. Such application must be filed in accordance with the standards in Article XII. Zoning Certificates may be required by the Zoning Inspector or requested by the property owner after construction is complete or change of use to certify the improvements to be in compliance with this

Resolution. If a Zoning Certificate is required, the cost of such subsequent review shall be covered in the Zoning Permit review fee and paid at the time of permitting. Changes of use and Zoning Permits related to improvements included in a conditional use permit shall be covered in the application fee for the conditional use permit.

Section 110 – Zoning Fees

Any application under this Resolution for a Certificate of Zoning Compliance, Zoning Permit, Conditional Use Permit, Variance, Sign permit, Temporary Use permit, Zoning Map Amendment, Planned Development, amendment, or filing of a notice of appeal or requests for official transcripts of hearings shall be accompanied by such fee as shall be specified from time to time by resolution of the Township Trustees. There shall be no fee, however, in the case of applications voluntarily filed for exempt structures, buildings or uses. The fees imposed by this Resolution are intended to defer the costs of zoning administration involved in such applications including technical reviews, publishing, and/or posting, and mailing the notices of the hearing or hearings, the compensation of Board of Zoning Appeals or Zoning Commission members for attending said hearing or hearings, and any other costs incurred in administering this Resolution. Such fees are set by majority vote of the Board of Trustees and are not refundable regardless of the outcome of the application. Any appeal of a review fee may only be altered by a majority vote of the Board of Trustees. A zoning fee schedule is attached this this resolution as “Appendix B.”

Section 111 – Enforcement of Regulations

Pursuant to Ohio Revised Code §519.23 and §519.24 it shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any structure, including buildings, 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 punishable to the full extent of the law and upon conviction of any violation shall be fined up to five hundred dollars (\$500.00) for each offense. Each and every day during which such illegal erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense and individually subject to penalty.

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, constriction, reconstruction, enlargement, change, maintenance or use. The Board of Township trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

ARTICLE II - - ZONING DISTRICTS AND ZONING MAP

Section 201 – Zoning Districts

In order to carry out the purposes and provisions of this Resolution, the Township is hereby divided into the following districts:

- 01) Agriculture “A” District;
- 02) Residential “R” District;
- 03) Limited Commercial “C” District;
- 04) Industrial “I” District;
- 05) Special Use “DU” District;
- 06) Planned Unit Development “PUD” District; and
- 07) Flood Plain Overlay District “FP” District.

Section 202 – Zoning Districts

The districts as shown on the map attached hereto are hereby established and said map is made a part hereof, included as “Appendix A”.

Section 203 – Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning District Map, the following rules shall apply:

- 01) Boundaries indicated as approximately following the center lines or Right-of-Way lines of streets, highways, and/or alleys shall be construed to follow such center lines or their extensions.
- 02) Boundaries indicated as approximately following property lines shall be construed as following such lines.
- 03) Boundaries indicated as approximately following municipal limits shall be construed as following municipal lines.
- 04) Boundaries indicated as following railroad lines shall be construed to be located midway between the main tracks.
- 05) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 06) Boundaries indicated as parallel to or extensions of features or lines indicated above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

- 07) Questions concerning the exact location of District boundary lines shall be determined by the Zoning Inspector, subject to the owner's right of appeal to the Board of Zoning Appeals as provided herein.
- 08) Where physical or cultural features existing on the ground are at odds with those shown on the Official Zoning District Map, or in other circumstances not covered by preceding subsections above, the Board of Zoning Appeals shall interpret the District boundaries.

ARTICLE III - - AGRICULTURE “A” DISTRICT

Section 301 - Purpose

The Agriculture District was established to actively preserve open spaces and farmland. This District is intended to preserve large tracts of land that contain environmentally sensitive resources and/or are suitable for agricultural use to protect the public health, safety, and general welfare. This District preserves and protects surface and ground water quality, retains open space, preserves woodlands, wetlands, sensitive slopes, floodplains and other environmentally sensitive areas, and permits low density residential development that fits the natural landscape.

Section 302 – Permitted Uses

The following uses may be individually or collectively permitted in this District:

- 01) Agricultural activities, in conformance with Sections 107.01, 107.02 or 107.03.
- 02) Conservation, forestry, wildlife preserves, parks and recreational uses, excluding outdoor sporting facilities
- 03) Religious land uses, limited to attendance of twenty-five (25) or less at a single event.
- 04) Residential care facilities for five (5) or fewer residents (excluding caregivers) and convalescent homes, in conformance with Section 1155.
- 05) Single-family residential dwelling, limited to one per lot. Any accessory buildings that are used in conjunction with the dwelling. May include one limited home occupation.

Section 303 – Conditional Uses

The following uses may be individually permitted as a conditional use in this District:

- 01) Accessory Dwelling Unit, in conformance with Section 1105, occupied by a resident supporting the agricultural use of the property.
- 02) Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers and other vehicles, in conformance with Section 1110.
- 03) Airfields, in conformance with Section 1114.
- 04) Bed and Breakfast Inns, in conformance with Section 1118.
- 05) Cemetery, church, school, child care, college, university, library, museum, community center, in conformance with Sections 1120, 1125, and 1148.
- 06) Expanded home occupations, in conformance with Section 1130.
- 07) Golf courses, swimming pools and other outdoor sporting facilities, in conformance with Section 1135.
- 08) Kennels, veterinary and other boarding facilities, in conformance with Section 1140.
- 09) Hospital, sanitarium or rest home, in conformance with Section 1142.

- 10) Processing Natural Resources, in conformance with Section 1150
- 11) Substantially similar uses to those permitted or conditionally permitted in the district.
- 12) Wireless and Cellular Communications Facilities and wind turbines, in conformance with Section 1190 and 1195.

Section 304 – Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

Section 305 – Development Standards

The following standards shall apply to any development in this District:

- 01) Lot Size – The minimum lot size in this District shall be five (5) acres.
- 02) Lot Width and Depth – Lots in this district shall have at least two hundred (200) feet of frontage on a public road, common access driveway approved by Morrow County Regional Planning Commission (RPC) or private road in an approved subdivision approved by RPC. Any lot under ten (10) acres in size shall not contain a maximum lot depth from the road right-of-way of more than three times the lot width measured at the edge of the road right-of-way.
- 03) Setbacks – No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in depth, shall be erected within fifty (50) feet of any road right-of-way. All buildings shall be located at least fifteen (15) feet from other lot lines.
- 04) Height – No building or structure shall exceed thirty five (35) feet in total height, measured from the top of building or structure to the average grade at the base of the same, except as provided for herein.

ARTICLE IV - - RESIDENTIAL “R” DISTRICT

Section 401 – Purpose

The Residential District was established to allow for orderly development of residential lots, where such development is found to be suitable for development. Development suitability shall be determined based on safe access to transportation network, lot suitability for any necessary septic treatment and drinking water supply.

Section 402 – Permitted Uses

The following uses may be individually or collectively permitted in this District:

- 01) Single, two-family or three-family dwellings, excluding tents, cabins and travel trailers, limited to one dwelling structure per lot and one dwelling per two (2) acres of gross lot area. Any accessory buildings that are used in conjunction with the dwelling. May include one limited home occupation.

Section 403 – Conditional Uses

The following uses may be individually permitted as a conditional use in this District:

- 01) Expanded home occupations, in conformance with Section 1130.
- 02) Mobile Home Parks, in conformance with Section 1144.
- 03) Temporary Living Space, in conformance with Section 1180.

Section 404 – Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

Section 405 – Development Standards

The following standards shall apply to any development in this District:

- 01) Lot Size – The minimum lot size in this District shall be two (2) acres.
- 02) Lot Width and Depth – Lots in this district shall have at least two hundred (200) feet of frontage on a public road, common access driveway approved by Morrow County Regional Planning Commission (RPC) or private road in an approved subdivision approved by RPC. Any lot under ten (10) acres in size shall not contain a maximum lot depth from the road right-of-way of more than three times the lot width measured at the edge of the road right-of-way.
- 03) Setbacks – No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in depth, shall be erected within fifty (50) feet of any road right-of-way. All buildings shall be located at least fifteen (15) feet from other lot lines.
- 04) Height – No building or structure shall exceed thirty five (35) feet in total height, measured from the top of building or structure to the average grade at the base of the same, except as provided for herein.

ARTICLE V - - LIMITED COMMERCIAL “C” DISTRICT

Section 501 – Purpose

The Limited Commercial District was established to allow for orderly development of desired community economic development businesses along major thoroughfare routes in the Township, where such development is found to be suitable for development. Development suitability shall be determined based on safe access to transportation network, lot suitability for any necessary septic treatment and drinking water supply.

Section 502 – Permitted Uses

The following uses may be individually or collectively permitted in this District, providing such is not noxious, dangerous or offensive because of gas, noise, flame smoke, dust, fumes, vibration or odor:

- 01) Any use permitted in an “R” District shall be permitted in “C” District.
- 02) Retail, wholesale, merchandising establishments and such business or professional services necessary to the convenience and well-being of the adjacent residential community.

Section 503 – Conditional Uses

The following uses may be individually permitted as a conditional use in this District:

- 01) Any use conditionally permitted in an “A” or “R” District.
- 02) Outdoor Advertising, in conformance with Section 1146.

Section 504 – Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

Section 505 – Development Standards

The following standards shall apply to any development in this District:

- 01) Lot Area – One acre minimum lot area.
- 02) Setbacks – Setback of 75 feet from an “R” District; 50 feet from any “I” District; 75 feet from the road; and 75 feet rear clearance.
- 03) Height – No building or structure shall exceed thirty five (35) feet in total height, measured from the top of building or structure to the average grade at the base of the same, except as provided for herein.
- 04) Access – Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.
- 05) Screening – Trash disposal/dumpster area must be screened on all sides with a six-foot high uniform, opaque fence.

Section 506 – Site Plan Required

Any development of improvements or change of use in this district shall require submission of a site plan indicating general development standards for the property for review and approval of the

Zoning Commission prior to issuance of any Zoning Permit by the Zoning Inspector for change of use or improvements. The plan shall be reviewed by the Zoning Commission, in accordance with Section 1405, and at a public meeting and it may be approved, conditionally approved or denied based on the following criteria for approval:

- 01) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
- 02) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and Zoning District.
- 03) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
- 04) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
- 05) No Site Plan approval shall be granted for a property where there is an existing violation of this Resolution or the Ohio Revised Code, unless such is the subject of the proposed use and found to be acceptable by the Zoning Commission.
- 06) Where it is determined that additional safeguards may help to ensure protection of the public health, safety and general welfare to ensure compliance with the standards herein, the Zoning Commission may impose conditions on the site plan approval to further limit:
 - A) Number of buildings, along with size and setbacks.
 - B) Number of employees.
 - C) Hours of operation, including days of the week.
 - D) Outdoor parking and storage, including but not limited to the number of vehicles or equipment and location where it is permitted to be located.
 - E) Location and material of drive(s) and parking area(s) (i.e. stone, paved, etc...).
 - F) Type and height of screening (i.e. trees, mounding, etc...).
 - G) Phasing of improvements including deadlines for compliance, if necessary.
 - H) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties.

ARTICLE VI - - INDUSTRIAL “I” DISTRICT

Section 601 – Purpose

The Industrial District was established to allow for orderly development of desired repair, storage, compounding, processing, manufacturing or assembling of materials or parts economic development businesses along major thoroughfare routes in the Township, where such development is found to be suitable for development. Development suitability shall be determined based on safe access to transportation network, lot suitability for any necessary septic treatment and drinking water supply.

Section 602 – Permitted Uses

The following uses may be individually or collectively permitted in this District, provided that the emission of smoke, dust fumes, vibration, odor, and levels such that they will not have an adverse or detrimental effect on surrounding residential and business districts:

- 01) All uses permitted in a “C” or “R” District.
- 02) Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
- 03) Warehouse storage and distribution facilities, buildings, railroad and truck transfer or terminal facilities, and parking areas.
- 04) 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.
- 05) 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.
- 06) Public Utilities installation, such as gas and electrical service buildings, water or gas storage tanks, pipeline pumping stations and similar utility uses.

Section 603 – Conditional Uses

The following uses may be individually permitted as a conditional use in this District:

- 01) Any use conditionally permitted in an “A” or “R” District.
- 02) Sexually-Oriented Businesses, in conformance with Section 1160.

Section 604 – Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

Section 605 – Development Standards

The following standards shall apply to any development in this District:

- 01) Lot Size – Minimum lot size of three (3) acres.

- 02) Setbacks – Setback of one hundred (100) feet from any “R” District, fifty (50) feet from any “C” District; one hundred (100) feet from road; and one hundred (100) feet rear clearance.
- 03) Screening – Trash disposal/dumpster area must be screened on all sides with a six-foot-high uniform, opaque fence. All outdoor storage areas shall be enclosed by an a six (6) foot tall obscuring fence or wall.
- 04) Height – Maximum height of any structure shall not exceed fifty (50) percent of said structure’s setback from any neighboring property.
- 05) Access – Delivery vehicles must be able to pull into and out of any business without obstructing traffic on a public thoroughfare.
- 06) Residential Buffer – Where an Industrial District abuts a Residential District:
 - A) Those sides abutting the Residential District must have a one hundred (100) foot greenbelt.
 - B) 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.
 - C) Continuous use of loudspeakers, horns, whistles, or lighting that causes a hazard or annoyance shall not be permitted.

Section 606 – Site Plan Required

Any development of improvements or change of use in this district shall require submission of a site plan indicating general development standards for the property for review and approval of the Zoning Commission, in accordance with Section 1405, prior to issuance of any Zoning Permit by the Zoning Inspector for change of use or improvements. The plan shall be reviewed by the Zoning Commission, in accordance with Section 1405, and at a public meeting and it may be approved, conditionally approved or denied based on the following criteria for approval:

- 01) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
- 02) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and Zoning District.
- 03) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
- 04) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
- 05) No Site Plan approval shall be granted for a property where there is an existing violation of this Resolution or the Ohio Revised Code, unless such is the subject of the proposed use and found to be acceptable by the Zoning Commission.

- 06) Where it is determined that additional safeguards may help to ensure protection of the public health, safety and general welfare to ensure compliance with the standards herein, the Zoning Commission may impose conditions on the site plan approval to further limit:
- A) Number of buildings, along with size and setbacks.
 - B) Number of employees.
 - C) Hours of operation, including days of the week.
 - D) Outdoor parking and storage, including but not limited to the number of vehicles or equipment and location where it is permitted to be located.
 - E) Location and material of drive(s) and parking area(s) (i.e. stone, paved, etc...).
 - F) Type and height of screening (i.e. trees, mounding, etc...).
 - G) Phasing of improvements including deadlines for compliance, if necessary.
 - H) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties.

ARTICLE VII - - SPECIAL USE “DU” DISTRICT

Section 701 – Purpose

The Special Use District was established to allow for orderly development of institutional uses in the Township, where such development is found to be suitable for development. Development suitability shall be determined based on safe access to transportation network, lot suitability for any necessary septic treatment and drinking water supply.

Section 702 – Permitted Uses

The following uses may be individually or collectively permitted in this District: Cemeteries, Schools, Parks, Churches, Community Facilities and land uses, as determined to be similar in character by the Zoning Commission.

Section 703 – Conditional Uses

There are no conditionally permitted uses in this District.

Section 704 – Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

Section 705 – Development Standards

The Zoning Commission may assign any development standards it determines to be necessary to protect the public health, safety or general welfare

Section 706 – Site Plan Required

Any development of improvements or change of use in this district shall require submission of a site plan indicating general development standards for the property for review and approval of the Zoning Commission prior to issuance of any Zoning Permit by the Zoning Inspector for change of use or improvements. The plan shall be reviewed by the Zoning Commission, in accordance with Section 1405, and at a public meeting and it may be approved, conditionally approved or denied based on the following criteria for approval:

- 01) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
- 02) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and Zoning District.
- 03) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
- 04) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
- 05) No Site Plan approval shall be granted for a property where there is an existing violation of this Resolution or the Ohio Revised Code, unless such is the subject of the proposed use and found to be acceptable by the Zoning Commission.

- 07) Where it is determined that additional safeguards may help to ensure protection of the public health, safety and general welfare to ensure compliance with the standards herein, the Zoning Commission may impose conditions on the site plan approval to further limit:
- A) Number of buildings, along with size and setbacks.
 - B) Number of employees.
 - C) Hours of operation, including days of the week.
 - D) Outdoor parking and storage, including but not limited to the number of vehicles or equipment and location where it is permitted to be located.
 - E) Location and material of drive(s) and parking area(s) (i.e. stone, paved, etc...).
 - F) Type and height of screening (i.e. trees, mounding, etc...).
 - G) Phasing of improvements including deadlines for compliance, if necessary.
 - H) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties.

ARTICLE VIII - - PLANNED UNIT DEVELOPMENT “PUD”

Section 801 – Purpose

The Planned Unit Development was established to promote smart growth development patterns by clustering development to preserve open spaces and promote a mix of uses desired to support rural neighborhood development. It is the intent of this designation to provide:

- 01) A maximum choice of living environments by allowing a variety of housing and building types.
- 02) A more useful pattern of open space and recreational areas.
- 03) 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.
- 04) A more efficient use of land than is generally achieved through conventional development.

Section 802 – General District Requirements

In order to obtain approval, the proposed Planned Unit Development project shall be demonstrated to comply with the following general requirements:

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

Section 803 – Development Standards

The following minimum standards shall apply to any development in this District:

- 01) Minimum Project 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.
- 02) Permitted Uses – Permitted uses shall be limited to those specified on the approved development plan.
- 03) Density – Residential development may be permitted at up to three quarters (0.75) dwelling units per total project acre.
- 04) Lots – Minimum lot sizes, setbacks, and building heights shall be specified in the development plan.
- 05) Open Space – Development must set aside at least one-third (33.3%) of gross project area for recreation space and/or 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 in the development plan.

Section 804 – Submittal and Map Amendment Review Process

The developer is encouraged to submit a preliminary development plan to Cardington Township Zoning Commission for review. The purpose of this optional plan is to familiarize the developer with the provisions, expectations, standards and requirements for this section prior to preparing detailed design plan(s). Upon receipt of a preliminary plan, the Cardington Township Zoning Commission shall meet to consider such plan and provide recommendations to the developer. Acceptance of a preliminary plan does not constitute a rezoning and any comments shall be non-binding, but simply guide the developer in preparing more detailed plans.

To request approval of a Planned Unit Development (PUD), a developer must submit a detailed development plan, in accordance with Section 805, including a development text highlighting all standards to be imposed on the project. The review and action of a planned unit development plan and text 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.

The developer of a proposed planned unit development shall consult with the Morrow County Regional Planning Commission to determine subdivision regulation compliance. Any 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 subdivision plan is not approved and recorded within two (2) years after such tentative zoning approval.

Extensions of this plan expiration may be approved by the Cardington Township Zoning Commission for reasonable cause for up to one (1) year per request. Extensions shall be reviewed at a public meeting and only approved if it is determined that the delay was reasonable and that the plan otherwise remains in compliance with the Cardington Township Zoning Resolution. If the development plan expires and the development is not installed in accordance with the plans and requirements of this section, such approval shall become null and void, and the Zoning Commission or Board of Trustees may initiate amendment of the Zoning Map to return the land to its original zoning classification.

Section 805 – Development Plan Required

An application for approval of a development plan shall be submitted to the Cardington Township Zoning Commission prior to consideration for any Zoning Permits to be issued by the Zoning Inspector. The application shall be signed by the developer attesting to the truth and exactness of all information supplied.

The development plan shall include all the information which the Cardington Township Zoning Commission deems necessary, including:

- 01) A site plan, including necessary sheets required to adequately depict:
 - A) Recent survey of the development site depicting property lines, area topography and existing features of the site;
 - B) Proposed locations and sizes of any desired improvements, including lot configuration;
 - C) Locations and the sizes and uses of proposed structures.
 - D) Proposed landscaping, lighting, signage or any other key design features.
- 02) A document highlighting permitted uses, all applicable development standards to be observed, a commitment to all improvements to be completed prior to subdivision approval

and/or occupancy of the project with a schedule showing the required completion date of the structures to be built, together with a description of all building designs.

- 03) Deed restrictions, protective covenants and other language to be used in controlling the use, development and maintenance of the area.

If an amendment is requested to the development plan, the Cardington Township Zoning Commission shall hold a public hearing to review such request, in accordance with Section 1405, and determine if the amendment is major or minor. Minor amendments shall be those that are not substantial in nature and may be approved by the Cardington Township Zoning Commission without a need for subsequent approvals. Major amendments of the development plan shall be recommended in accordance with Sections 1407 through 1412.

ARTICLE IX - - FLOOD PLAIN (FP) OVERLAY DISTRICT

Section 901 – Purpose

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 by unsuitable land uses, and the cumulative effect of obstruction flood plains, causing increased flood heights and velocities.

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:

- 01) 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;
- 02) Controlling filling, grading, dredging and other development which may increase flood damage; and
- 03) Controlling alteration of natural flood plains stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section 902 – 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 most recent Federal Emergency Management Agency Flood Insurance Rate Map(s). The 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.

Section 903 – 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.

Section 904 – 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.

Section 905 – 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.

Section 906 – Development Standards

The following standards shall apply to any development in this District:

- 01) 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.
- 02) No habitable structure shall be constructed within the FP District.
- 03) 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.
- 04) 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.
- 05) 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.

ARTICLE X - - GENERAL DEVELOPMENT STANDARDS

Section 1001 – Purpose

All standards in this article are intended to apply to all property in the Township, despite the specified Zoning District in which the property is classified on the Zoning Map.

Section 1002 - Accessory Buildings

For every accessory building erected 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.

Section 1003 – Architectural Projections

Open structures such as porches, decks, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required setbacks for front, side or rear yard.

Section 1004 – Driveway Standards

All culverts, bridges, and similar drainage facilities constructed as integral components of access drives shall be designed and constructed with best engineering practices, including standards recommended by the Morrow County Engineer's Office, and that such structures meet current standards as necessary to protect the public safety and general welfare.

Section 1005 – Dwelling Standards

The following minimum standards shall apply to all residential dwellings:

- 01) 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, porches, terraces, and garages.
- 02) 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.
- 03) No two-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.
- 04) 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.

05) 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.

06) Address Sign – 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 Morrow County Regional Planning office or the Local Fire Department.

Section 1006 – General Nuisance Standards

No use shall be produced which fails to maintain the following standards:

- 01) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 02) Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property where on the use is conducted.
- 03) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Morrow County Engineer.
- 04) Fire and Explosion Hazards – All activities, including storage involving flammable, explosive or hazardous materials shall include the provisions of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the

Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- 05) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 06) Odors – No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
- 07) Vibrations – No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
- 08) Limited Business Hours – Any business activities potentially visible to neighboring property owners, must be limited to between the hours of 7:00 a.m. to 7:00 p.m. including home occupations. Home occupation business activities shall be further limited from noon until 7:00 p.m. on Sundays.

Section 1007 – Insecure and Unsafe Structures

Any building or structure declared unfit for human habitation in any Zoning District by the Morrow County Board of Health or any building or structure in the Township declared insecure, unsafe, or structurally defective by the Fire Department, the State Building Department or other authority responsible under Chapter 3781 of the Ohio Revised Code for the enforcement of building regulations shall be removed or repaired to a safe and structurally sound condition. The enforcement shall be accomplished through the procedures outlined in Section 505.86 of the Ohio Revised Code.

Section 1008 – Junk, Junk Vehicles & Vegetation

No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

Any property not maintained by the property owners and found to be a nuisance containing noxious weeds, vegetation, garbage, refuse and/or junk vehicles that is dangerous, unhealthy, and unsightly may be cleaned up and maintained by Cardington Township. Expenses for such shall be assessed on the tax duplicate of the subject property. The enforcement shall be accomplished through the procedures outlined in Section 505.87 of the Ohio Revised Code.

Section 1009 - Limited Home Occupations

A limited home occupation, where permitted as specified herein, shall meet all of the following conditions, without exception:

- 01) The owner of the premises must reside in the dwelling unit used for the home occupation;

- 02) No person or persons, other than the owners of the premises shall operate a home occupation;
- 03) Not more than one (1) on-site worker per gross acre of the property in addition to the owner shall be employed in a home occupation, up to a maximum of six (6) on-site employees;
- 04) Areas of buildings and structures regularly used for the home occupation shall consume less area than that residentially occupied.
- 05) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the building in which the home occupation is located;
- 06) There shall be no goods or services sold directly to customers on the premises;
- 07) Traffic generated by the home occupation shall in no case be in a greater volume than would normally be expected in a residential neighborhood;
- 08) Outdoor storage of vehicles, equipment, supplies, or other materials associated with such home occupation shall be limited to not more than one (1) commercial vehicle per two (2) gross acres of site area, a maximum of three (3), not being stored entirely within a building and not visible from the road or any another surrounding property;
- 09) Equipment or processes shall not be used in such home occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- 10) There shall be no increased burden placed upon existing public services provided to the residence as a result of a home occupation;
- 11) The property occupying the home occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- 12) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

Section 1010 – Non-Conforming Structures, Uses and Lots

- 01) 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 any further use must be in conformity with the uses permitted in such district.
- 02) 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 one (1) year after this resolution takes effect.

- 03) 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 providing the same is done with two (2) years from the date of said destruction.
- 04) A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.
- 05) 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.
- 06) When a lot is an official lot of record at the time of adoption of the Zoning Resolution does not comply with original or updated regulations regarding the area, yard, or other requirements of the Zoning Resolution, such lot may be used as a building site provided, however, that the proposed building is compliant with yard setbacks and other requirements of this resolution, so as to not generate additional non-conforming conditions.

Section 1011 – Prohibited Uses

The following shall be deemed objectionable and shall not be permitted in any Zoning District:

- 01) Metallic powder works.
- 02) Chemical plants which could have a by-produce polluting the air, land, or water.
- 03) Crematory
- 04) Distilling of bones, fat or glue, or gelatin manufacturing.
- 05) 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.
- 06) Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.
- 07) Outdoor theatres.
- 08) Commercial race tracks.
- 09) 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.
- 14) Tires, disabled automobiles, and trucks.

ARTICLE XI - - RESTRICTED DEVELOPMENT STANDARDS

Section 1101 – Purpose

All standards in this article are intended to apply to the review of conditional uses where specific uses are conditionally permitted in the Township. Uses are traditionally listed as conditionally permitted in a district, if they are generally accepted as a use that would likely be permitted if properly regulated by special conditions.

Section 1105 – Accessory Dwelling Unit (ADU)

In order to permit an accessory dwelling unit (ADU), the lot must have an existing or proposed single-family or multifamily dwelling. The floor area of an attached ADU may not exceed 50% of that of the primary residence. ADUs should be located to the rear or side of the primary residence on the lot. ADUs shall not contain separate taps or utility meters from the principal dwelling. The ADU must share postal mail service with the principal dwelling.

Section 1110 – Accessory Storage of Recreational Vehicles, Boats, Motor Homes, etc.

All travel trailers, boats, recreational vehicles, trailers, and similar vehicles, or means of conveyance owned by residents of the Township and stored on their individual lots, shall not be stored within any front yard or front yard driveway, and shall further comply with structural setbacks, distances from lot lines, and not be located in easements; except that boats and personal watercrafts on a trailer, recreational vehicles, travel trailers and like camper/trailer coaches may be temporarily placed in a front yard driveway during the period from May 1st to October 31st. This exception shall not apply to personal watercraft trailers, or boat trailers without a personal watercraft or boat secured atop the trailer, nor any other trailers.

Section 1114 – Airfields

All airfields shall be set back at least 500 feet from any existing residence that is not on the lot that is being utilized for the airfield.

Section 1118 – Bed and Breakfast Inns

Bed and Breakfast Inns shall be regulated as Expanded Home Occupations and subject to the standards of the same.

Section 1120 – Cemeteries

The following standards shall apply to the development and construction of cemeteries and crematories:

- 01) Access – The site proposed for a Cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a road which the Township Board of Zoning Appeals determines is adequate to serve the size of facility proposed.
- 02) Lot Area – Any new Cemetery shall be located on a site containing not less than twenty (20) acres.
- 03) Setbacks – Internment shall not be within three hundred (300) feet of a dwelling, unless the owner of such dwelling gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code, §1721.03. A mausoleum shall not be within three hundred (300) feet

of any property line. A crematory or other structure shall not be within one thousand (1,000) feet of any property line.

04) Plat – Every Cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the Morrow County Recorder in accordance with Ohio Revised Code, Section 1721.09.

05) Maintenance – All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.

Section 1125 - Churches and Religious Uses

The following standards shall apply to the development and construction of churches and their accessory uses within Cardington Township:

01) Lot Area – The minimum lot area shall be five (5) acres and the minimum lot width shall be three hundred (300) feet. The lot area shall also be adequate to accommodate adequate off-street parking space requirements of the church. In no event shall parking be permitted on adjacent roads or within the road Right-of-Way.

02) Setbacks – The church building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire or the setbacks prescribed herein, whichever is larger. Or minimum setbacks and side and rear yard requirements will be the following (whichever is greater):

A) Minimum Front Yard Parking Setback = seventy-five (75) feet

B) Minimum Side Parking & Drive Setback = twenty-five (25) feet

C) Minimum Rear Parking & Drive Setback = seventy-five (75) feet

D) Minimum Building Setback = one hundred (100) feet

03) Access – The church lot shall be directly accessible to a major arterial road.

04) Residential Use – Accessory living quarters may be provided on the church lot as a conditional use subject to location, density, and additional lot area requirements approved by the Township Board of Zoning Appeals, except in the DU Zoning District where such facilities are permitted without conditional use approval.

05) Recreation – Accessory recreational uses may be provided on the church lot as a conditional use subject to approval by the Board of Zoning Appeals, except in the DU Zoning District where such facilities are permitted without conditional use approval.

06) Schools – Accessory private school buildings associated with a church may be located on a church lot subject to a conditional use approval being granted by the Township Board of Zoning Appeals, except in the DU Zoning District where such schools are permitted without conditional use approval, provided that said institution occupies not less than twenty (20) acres and adequate parking areas for faculty, staff, and students in accordance with this Article. A site plan shall be prepared and submitted for consideration and shall provide screening adjacent to residential areas.

Section 1130 – Expanded Home Occupations

A person may apply for a Conditional Use Permit for an expanded home occupation where they cannot strictly comply with the Limited Home Occupation standards of Section 1004, but are able to comply with the following more permissive standards:

- 01) The owner of the premises must reside in the dwelling unit used for the home occupation;
- 02) Retail sales may be permitted within an accessory building on-site if they are incidental and relative to the home occupation;
- 03) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such home occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- 04) Not more than fifty (50) percent of the gross floor area of any residence and/or architecturally compatible accessory buildings shall be devoted to the proposed home occupation;
- 05) The external appearance of the structure in which the use is to be conducted shall not be altered and not more than one (1) sign no larger than two (2) square feet which shall be either mounted flush to the wall of the structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the application;
- 06) Minor or moderate alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed use but there shall be no substantial construction or reconstruction;
- 07) Equipment or processes shall not be used in such home occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- 08) No more than eight (8) additional parking places may be proposed in conjunction with the home occupation, which must meet parking standards and shall not be located in a required front yard.
- 09) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
- 10) A stopping distance exhibit must be prepared for all driveways used for the home occupation demonstrating compliance with current ODOT standards;
- 11) The property occupying the home occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- 12) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

Section 1135 – Golf Courses, Swimming Pools and Other Outdoor Sporting Facilities

May be permitted to accommodate up to fifty (50) non-residential guests, if located on a property of at least twenty (20) acres and setback at least one hundred (100) feet from neighboring residences and with parking at least two hundred (200) feet from neighboring residences. Must have sufficient parking for capacity.

Section 1140 – Kennels, Veterinary and Other Boarding Facilities

May be permitted to accommodate up to ten (10) non-residential guests, or twenty (20) animals, if located on a property of at least ten (10) acres and setback at least one hundred (100) feet from neighboring residences and with parking at least one hundred (100) feet from neighboring residences. Must have sufficient parking for capacity.

Section 1142 – Hospitals, Sanitarium and Rest Homes Caring

May be permitted to provide for caring for six (6) 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.

Section 1144 – Mobile Home Park

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.

- 01) Procedures and Requirements - 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.
- 02) 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:
- A) 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;
- i) 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;
 - ii) Accessory Uses – Limited Home Occupations. A permanent dwelling for one (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.
- B) 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. Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas. Shall be located as to assure a maximum of compatibility with other types of residential development.
- C) 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:
- i) Minimum size of park, twenty (20) acres.
 - ii) Minimum lot size within a Mobile Home Park, five thousand (5,000) square feet.
 - iii) Utilities Required: 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. The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the County Engineer.
 - iv) General Dimensions: Dimensions relating to the Mobile Home Park tract as a whole shall be as follows: Minimum tract width at the abutting public street three hundred (300) feet, if abutting on a street, other than entrance and exit drives. Minimum front yard depth – fifty (50) feet. Minimum lot width – fifty (50) feet.

- v) Private Drives and Public Streets: 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. 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. 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.
 - vi) Landscaping: The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following: Lawn, covering all areas not specifically requiring other surfacing. Trees, intended to provide shade for the mobile home lots. Shrubs or other material to provide reasonable separation of mobile home lots.
- D) Mobile Home Standards – The lot for each individual home in the park shall comply with the following requirements:
- i) 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.
 - ii) Minimum floor area of any mobile home used as a dwelling on the premises shall be six hundred (600) square feet.
 - iii) 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.
 - iv) 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 Section 404 must be met for each unit. 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 1146 – 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:

- 01) 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.

- 02) An outdoor advertising sign or billboard, 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.
- 03) 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 out in all conditions at least outside of the right-of-way.
- 04) 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.
- 05) Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to any neighbors.
- 06) Outdoor advertising signs must be removed from a property within thirty (30) days after that property ceases to be used for that purpose.
- 07) 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 1148 – Private School or Daycare

May be permitted to accommodate up to fourty (40) non-resident students or children, if located on a property of at least ten (10) acres and setback at least one hundred (100) feet from neighboring residences and with parking at least one hundred (100) feet from neighboring residences. Must have sufficient parking for capacity and the following conditions must be met:

- 01) Compatible – The building occupied by the kindergarten is compatible with neighborhood structures in dimension, size, and architecture.
- 02) Play Area – There shall be an outdoor play area of eighty-five (85) square feet or more per child. Such play area shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.
- 03) Drop-off Area and Parking – A drop-off area is provided so that children do not have to walk through the parking lot to enter the facility.

Section 1150 - Processing Natural Resources

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.

- 01) 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 Zoning Permit shall be valid for one (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 1155 - Residential Care Facilities

Residential care facilities providing resident services for the care and/or rehabilitation of individuals who require protective supervision within a residential environment shall be conditionally permitted in any Zoning Districts in accordance with the following provisions:

- 01) Limit – With the exception of foster homes no more than two (2) residential care facilities of any type may be permitted in any one (1) census tract.
- 02) Foster Homes – Foster Homes for children or adults who for various reasons cannot reside with their natural family may be permitted within any residential dwelling provided such homes possess a valid, appropriate license.
- 03) Family Care Homes – Family care homes may be permitted as a conditional use within an adequately sized unattached residential dwelling within any Zoning District provided that:
 - A) The home shall possess a valid license from appropriate state and/or local agencies.
 - B) The home shall be required to meet the District regulations applicable to single-family residences within the District in which such home is located.
 - C) The home shall provide adequate off street parking for each resident and/or resident supervisor who is permitted to own or operate an automobile.
 - D) The Zoning Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 04) Group Care Homes – Group Care Homes may be conditionally permitted within an adequately sized unattached residential dwelling within designated residential Zoning Districts subject to the following criteria:
 - A) No Group Care Home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all state and/or local licensing requirements.
 - B) The home shall not be located closer than twenty thousand (20,000) feet to another Family Care Home or Group Care Home. Variances of more than ten (10) percent of this requirement may not be considered.
 - C) The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
 - D) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor Area for each occupant.
 - E) The operator or agency applying for a Conditional Use Permit to operate such a facility shall provide the Board of Zoning Appeals with a plan that documents the following:

- i) The need for the home in relation to the specific clientele served;
 - ii) A description of program objectives and the nature of other community-based residential social service facilities operated by such operator or agency; and
 - iii) A list of the licensing agencies' standards and the sponsoring agency's standards for the operation of the desired facility.
- F) The home shall provide adequate off-street parking area for each resident supervisor and/or resident who is permitted to own or operate an automobile.
- G) The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- H) The Conditional Use Permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 05) Recreation – Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.
- 06) Alterations – No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures proposed shall be of compatible residential design with the surrounding neighborhood, to the degree possible.
- 07) Lighting – All exterior lighting shall be downcast and shielded to not glare or shine on to neighboring properties or roadways.
- 08) Findings of Fact – In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. Specifically, the Board shall determine that the proposed facility:
 - A) Is in fact a Residential Care Facility and, if required, is licensed by the appropriate authority to provide such service within the State of Ohio (and the respective jurisdiction);
 - B) Is in fact a needed facility in the location proposed, based upon evidence acceptable to the Board of Zoning Appeals;
 - C) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not change the essential character of the same area. In this regard, it does not contribute to a concentration of such facilities in the respective area;
 - D) Will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment;

- E) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F) Will not involve uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare;
- G) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- H) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Section 1160 - 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.

Section 1170 – Solar Facilities

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Solar facilities of less than fifty (50) megawatts are prohibited in all districts unless they are permitted or conditionally permitted herein the following regulations:

01) Permitted - The following shall be permitted in all districts:

- A) Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System; and
- B) Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or sitting of a Rooftop Solar Energy System.

02) Conditional Use – The following may be considered for conditional use approval in all districts:

- A) Ground Mounted Solar Energy Systems; and
- B) All Other Small Solar Facilities.

03) General Requirements

- A) Integrated or Rooftop Solar Energy Systems:
 - i) Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning

district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

- ii) Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than fifty percent (50%) of a structure's walls and/or roof, as applicable.

B) Ground Mounted Solar Energy Systems:

- i) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed fifteen (15) feet.
- ii) Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate fifty percent (50%) of the total area of the lot or tract.
- iii) Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way as defined herein. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

C) All Other Small Solar Facilities:

- i) Height: The maximum height of any All Other Small Solar Facilities at any point shall not exceed the max height for accessory structures in the district where located.
- ii) Coverage: All Other Small Solar Facilities shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, All Other Small Solar Facilities shall not exceed in the aggregate 70% of the total square footage of the lot or tract.
- iii) Visual Buffer: All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way as defined herein. All Other Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

- D) Lighting. Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-

candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

- E) Noise. Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no Small Solar Facility shall emit sound to an adjacent lot at a level exceeding 65 decibels.
- F) Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- G) Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- H) Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- I) Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
 - i) Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
 - ii) Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.

- iii) Location:
 - (1) Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
 - (2) No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
 - (3)
 - (4) No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
- iv) Height: the maximum height of any Small Solar Facility shall not exceed fifteen (15) feet.
- v) Buffers and Setbacks:
 - (1) Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within two hundred (200) feet of an existing residential dwelling.
 - (2) No Small Solar Facility (other than components located entirely underground) shall be located within fifty (50) feet of a public right-of-way or shared-use driveway.
- vi) Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
 - (1) Enhances the view from any existing residential dwelling and from any public right-of-way.
 - (2) Is in harmony with the existing vegetation and viewshed in the area; and
 - (3) Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.
- vii) Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- viii) Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
- ix) Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
- x) Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

04) Certificate of Zoning Compliance

- A) A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.
- B) Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - i) An engineering report that shows:
 - (1) The total size and height of the proposed Small Solar Facility.
 - (2) Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
 - (3) Hazardous materials containment and disposal plan.
 - ii) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 - iii) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - iv) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - v) Any other information or materials reasonably requested by the Zoning Inspector.

Section 1180 - Temporary Living Spaces

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 to 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 1190 - Wireless and Cellular Communications Facilities

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:

- 01) The location of all of the applicants existing facilities within the County.
- 02) The general location of the planned future facilities.
- 03) For each location shown on the plan, there shall be listed:

- A) The location, type and size of the existing and proposed towers, antennas and equipment located at the site.
 - B) The location of access easements and parking areas
 - C) Detailed drawings of the screening plan and related design standards.
- 04) 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.
- A) 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.
 - B) 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.
 - C) 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.
 - D) 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.
- 05) Design Standards for Free-Standing Towers.
- A) All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
 - B) All such uses shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.
 - C) 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.
 - D) All such users shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.

- E) 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.
 - F) 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.
 - G) 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.
 - H) 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.
 - I) 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 paint and rust.
 - J) No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
 - K) 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.
 - L) Parking areas and general site lighting shall be designated and installed to avoid casting direct light or glare onto surrounding properties
- 06) Telecommunications Equipment on Existing Structures.
- A) All such uses shall be located not less than two hundred and fifty (250) feet from the right-of-way of any public street.
 - B) 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.
 - C) All such uses shall be located no closer to any lot line than one hundred (100) percent of the height of the proposed tower.
 - D) 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 barrier and continuous evergreen hedge or trees of a size deemed appropriate by the board.

- E) 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 Telecommunications Facility is kept free of weeds and trash.
- F) 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.
- G) 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.
- H) 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.
- I) 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.
- J) No advertising is permitted anywhere on the Telecommunications Facility with the exception of identification signage not to exceed one square foot in size.
- K) 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.

Section 1195 - Wind Turbines

No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Inspector demonstrating compliance with this Resolution, except wind projects of 5MW or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind projects less than 5MW and used solely for agriculture will be exempt from these zoning regulations as an agricultural use. Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a permitted use in the Agriculture Zoning District exclusively.

01) Height – The height of any turbine shall comply with the following:

- A) Turbines mounted on the ground: The maximum height of any turbine shall be one hundred and twenty-five (125) feet. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be

calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.

- B) Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus fifteen (15) feet.
- 02) Setbacks – Any turbine erected on a parcel of land shall be setback two (2) times the greatest of the following:
- A) Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade,
 - B) Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted,
 - C) Turbines mounted on the ground or on a structure: The established “clear fall zone”, from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- 03) Maintenance – Wind turbines must be maintained in good working order. The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it is not in operating condition or it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- 04) Decibel Levels – Decibel levels shall not exceed seventy (70) decibels, by design or at the location of the tower.
- 05) Shadow Flickering – Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun’s movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.
- 06) Wiring and Electrical Apparatuses – All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the Residential Building Code of Ohio.
- 07) Signs – No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.

- 08) Lighting – No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 09) Permits – All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio.
- A) A permit shall be required before construction can commence on an individual wind turbine project.
 - B) As part of the permit process, the applicant shall inquire with the State of Ohio as to whether or not additional height restrictions are applicable due to the unit’s location in relation to any local airports or runways.
 - C) Applicant shall then provide the Township Zoning Inspector with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
 - i) Location of all public and private airports and runways in relation to the location of the wind turbine.
 - ii) A report demonstrating the total size and height of the unit, the construction details of any structural foundation, a list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.
 - iii) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public road Right-of-Ways, and neighboring property lines, as well as soil and bedrock data.
 - iv) Evidence of established setbacks and “clear fall zone.”
 - v) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

ARTICLE XII - - ZONING INSPECTOR PROCEDURES

Section 1201 – Zoning Inspector Established

The position of township shall employ a zoning inspector. He or she shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He or she shall keep records of all applications for Zoning Certificates and the action taken hereon.

Section 1202 – Zoning Permit Review

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.

A copy of the application for an Access Permit from ODOT if the property is located on a State Highway must be submitted where access is required on a state route 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.

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. The Zoning Inspector may require tentative approval of all applicable County, State and/or Federal government agencies, prior to issuance of a Zoning Permit.

A zoning permit 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.

A zoning permit shall expire one (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.

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 1203 – Certificate of Zoning Compliance

Where requested or required, the zoning inspector may request permission from a property owner to inspect a property for existing compliance with the Zoning Resolution. The findings of the inspection may be certified by the Zoning Inspector to the owner in the form of a Certificate of Zoning Compliance. No such certificate may be issued without permission by the owner to authorize an onsite inspection of the property conditions and the Zoning Inspector finding that the property is in full compliance with this Resolution. If any non-conformities or violations of the Resolution are found, they shall be noted on the Certificate. The Zoning Inspector may require a Certificate of Zoning Compliance prior to change of use or occupancy of buildings subject to a Zoning Permit where confidence of strict compliance is not found by the Zoning Inspector.

ARTICLE XIII - - BOARD OF ZONING APPEALS PROCEDURES

Section 1301 – Establishment of the Board of Zoning Appeals

The Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated territory in Cardington Township. The terms of all members shall be such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by §519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Township Trustees for these purposes, employ such executives, professional, technical, and other assistants as it deems necessary. (§519.13 Ohio Revised Code)

At the beginning of each calendar year, the Board of Zoning Appeals will hold an organizational business meeting adopt rules to govern their operations.

Section 1302 – Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals shall have the following powers:

- 01) Administrative Appeals – 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 §519.02 to §519.25, inclusive, of the Ohio Revised Code, or of any Resolution adopted pursuant thereto;
- 02) Variances – 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 the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;
- 03) Conditional Use Permits – 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. In exercising the above-mentioned powers, such Board, may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that and shall have all powers of the officer from whom the appeals are taken. (§519.14 Ohio Revised Code.)

Section 1303 – Administrative Appeals

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector, a notice an appeal specifying the grounds for such appeal.

- 01) Responsibility of the Zoning Inspector – The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appeals from was taken. The Zoning Inspector shall at his or her earliest convenience issue a notification to all effected parties that the action of the Zoning Inspector is temporarily

suspended, revoking any issued zoning certificates or violations, until the appeal is decided by the Board of Zoning Appeals.

- 02) Responsibility of the Board of Zoning Appeals – The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) day 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 Morrow 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. In exercising its responsibilities, the Board of Zoning Appeals shall use the same criteria for review as prescribed for the Zoning Inspector and shall have the ability to reverse, affirm wholly or partially or may otherwise modify the decision of the Zoning Inspector, based on temporary use of the authority of the Zoning Inspector. (§519.15 Ohio Revised Code).
- 03) Outcome of Appeal – The decision of the Board of Zoning Appeals shall take effect immediately. The Zoning Inspector shall enforce the decision of the Board of Zoning Appeals and shall issue such decision to all effected parties at his or her earliest convenience after such decision is presented in writing by the Zoning Secretary.

Section 1304 – Variances

Any property owner may seek a variance from any standard of the Zoning Resolution for their property by making application to the Zoning Inspector.

- 01) Application Requirements – The application for a variance shall include the following:
 - A) The specific provisions of the Zoning Resolution upon which the Variance is requested.
 - B) A legal sketch and description of the property.
 - C) The special circumstances or conditions applying to the land or structure and applying generally throughout the Township.
 - D) Why the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
 - E) How special conditions and circumstances do not result from the action of the applicant.
 - F) If granting of the variance will materially affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvements in such neighborhood.
 - G) If the proposed variance is consistent with the purpose, intent and general standards of the Zoning Resolution. Other information required for appropriate action by the Board of Zoning Appeals.
- 02) Factors to Review a Variance – The following factors must be considered before a variance can be granted. A positive or negative finding to any of these factors shall not individually

constitute grounds for approval or denial, but the Board of Zoning Appeals shall use the collective findings to make its determination on a variance application.

- A) Whether the property will yield a reasonable return or whether there beneficial use of the property without the variance.
 - B) Whether the variance is substantial.
 - C) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - D) Whether variance would adversely affect the delivery of governmental services.
 - E) Whether the property owner purchased the property with the current restrictions in place.
 - F) Whether the property owner's predicament can be remedied through method other than a variance.
 - G) Whether the spirit and intent of the zoning requirement would be observed and whether substantial justice would be done by granting the variance.
- 03) Stipulations of an Approved Variance – In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under this Resolution.
- 04) Outcome of Variance – The decision of the Board of Zoning Appeals to grant a variance shall take effect immediately. The Zoning Inspector shall enforce the decision of the Board of Zoning Appeals after such decision is presented in writing by the Zoning Secretary. Any variance shall generate a legal non-conforming use or building as regulated by Article X.

Section 1305 – Conditional Use Permits

Any property owner may seek a Conditional Use Permit (CUP), if such proposed use is specifically herein listed as a conditional use in the current Zoning District for their property, by making application to the Zoning Inspector.

- 01) Application Requirements – Application for a conditional use permit shall include the following:
- A) A narrative statement discussing the details of the proposed use, including the effect of such elements as noise, odor, and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the Zoning District; and the relationship of the proposed use to the comprehensive plan.
 - B) A Development Plan for the entire subject property, containing the following:
 - i) The location of all buildings (existing and proposed);
 - ii) Parking, loading, and storage areas;

- iii) Traffic access points and circulation routes;
 - iv) Parking areas including the location and number of spaces proposed;
 - v) Landscaped areas and other open spaces;
 - vi) Lighting (location, type and wattage)
 - vii) Refuse and service areas;
 - viii) Location of existing utilities and proposed utility expansion areas;
 - ix) Location of signs (does not exempt application from sign permit requirements);
 - x) Other such information as the BZA may determine needed to determine if the proposed conditional use meets the requirements of the Resolution.
- 02) Factors to Consider – The following conditions shall be considered in the public hearing and employed in the review of an application for a Conditional Use Permit:
- A) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
 - B) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and Zoning District.
 - C) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
 - D) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
 - E) No Conditional Use Permit shall be issued for a property where there is an existing violation of this Resolution or the Ohio Revised Code, unless such is the subject of the proposed conditional use.
- 03) Written Findings – Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:
- A) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - B) Off-street parking and loading areas where required, with particular attention to the items above.

- C) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the Zoning District.
 - D) Refuse and service areas, with particular reference to the items in (1) and (b) above.
 - E) Utilities, with reference to locations, availability, and compatibility.
 - F) Screening and buffering with reference to type, dimensions, and character.
 - G) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the Zoning District.
 - H) Required yards and other open space.
 - I) Proposed hours of operation.
 - J) General compatibility with adjacent properties and other property in the Zoning District.
 - K) Additional information as requested by the Board of Zoning Appeals to make an accurate determination on the application.
- 04) Conditions Imposed – This Resolution confirms to the Board of Zoning Appeals the powers to set forth conditions as part of an approved Conditional Use Permit. These conditions are meant to uniquely address how a conditioned use co-exists with adjoining and surrounding properties to ensure continued harmony. The Board of Zoning Appeals may set conditions addressing including but not limited to:
- A) Current and future size of Conditional Use Permit operation.
 - B) Number of employees.
 - C) Number of buildings, along with size and setbacks
 - D) Noise, as measured in decibels
 - E) Require the site plan to be attached to the Conditional Use Permit, as a condition, for the purpose of evaluating issues that may arise in the future
 - F) Number of vehicles or equipment related to the conditional activity
 - G) Hours of operation, including days of the week
 - H) Type of drive (i.e. stone, paved, etc...)
 - I) Type and height of screening (i.e. trees, mounding, etc...)
 - J) Storage of materials used in the Conditional Use Permit activity
 - K) Drainage
 - L) A phasing plan including deadlines for compliance, if necessary

M) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties

05) Supplementary Conditions and Safeguards – In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution.

06) Outcome of the Conditional Use Permit – A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. A Conditional Use Permit must be reviewed for compliance ninety (90) days after issued and within three (3) years of issue date by the Zoning Inspector. The Zoning Inspector can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three (3) years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.

07) Transferability – If the property is sold, the new owner shall come before the Board of Zoning Appeals to review the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the Board of Zoning Appeals may lead to the Board of Zoning Appeals voiding the CUP requiring application for a new CUP.

08) Revocation of a Conditional Use Permit – The BZA may revoke a Conditional Use Permit, in accordance with Ohio Revised Code 519, for reasons including but limited to:

A) Repeated violations of Conditional Use Permit.

B) Change in the nature of the activity beyond the extent of the Conditional Use Permit.

C) Nature or size of activity becomes intrusive to neighbors or community.

D) The approved use is discontinued for a period of more than one (1) year.

ARTICLE XIV - - ZONING COMMISSION PROCEDURES

Section 1401 – Establishment of the Zoning Commission

The Board of Township Trustees shall establish a Township Zoning Commission, consisting of five (5) citizens of the Township appointed by the Board of Township Trustees. The Trustees may appoint two (2) additional citizens of the Township to serve as alternates. None of the members shall concurrently serve as a member of the Board of Zoning Appeals. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Township Zoning Commission shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code.

Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or compensation, or both, as the Board of Township Trustees may approve and provide. The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for these purposes, employ such executives, professionals, technical, and other assistants as it deems necessary. (Ohio Revised Code 519.13)

The Township Zoning Commission shall elect its own officers and adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chair and at other times as the Township Zoning Commission may determine. The Chair, or in their absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Township Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record. Public records are available for inspection to any person at all reasonable times during regular business hours (Ohio Revised Code 149.43(B) (1).

Section 1402 – Amendments to the Zoning Resolution and Zoning Map

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a Resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such Resolution certify it to the Township Zoning Commission.

Section 1403 – Scheduling Zoning Commission Hearing

Upon the adoption of such motion, or the certification of such Resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

Section 1404 – Fees Required

The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee therefore to defray the cost of

advertising, mailing and other expenses. If the Board of Township Trustees require such a fee, it shall be required generally, for each application.

Section 1405 – Notice and Review Requirements

If the proposed amendment or supplement intends to re-zone or re-Zoning District ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Zoning Commission, by First Class Mail, at least ten (10) days before the date of the public hearing to all owners of property within the contiguous to and directly across the street from such area proposed to be re-zoned or re-Zoning Districted to the address of such owners appearing on the Morrow County Auditor's current tax list or the Morrow County Treasurer's mailing list and to such other list or lists that may be specified by the Board of Morrow County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Morrow County Commissioners or Regional Planning Commission and to the Board of Township Trustees as the case may be.

01) Approval Criteria – Factors to consider when hearing and deciding an amendment or supplement:

- A) Whether the property owner purchased the property with the current zoning restrictions in place.
- B) Effects adoption of the proposed amendment might have on future land uses in the area.
- C) Long-term effects of the proposed change.
- D) How the proposed change relates to existing public facilities and services such as water, sewer, police, fire protection and schools.
- E) The present character of the area in terms of existing land use and physical characteristics. Will the character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment as a result of the amendment?
- F) Factors that make the location well suited for the purposes in the proposed amendment request.
- G) Effect of rezoning on property values.
- H) Effect of rezoning on volume of traffic. Can existing roads accommodate this traffic?
- I) If the proposed amendment is consistent in all respects with the purpose, intent and general standards of the Cardington Township Zoning Resolution.
- J) If there is a zoned area that could meet the needs of the request.

Section 1406 – Regional Planning Notice & Recommendation

Within five (5) days after the adoption of such motion or the certification of such Resolution of the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto the Morrow County Regional Planning Commission.

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

Section 1407 – Zoning Commission Recommendation

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or Resolution, the text and map pertaining thereto and the recommendation of the Morrow County Regional Planning Commission thereon the Board of Township Trustees.

Section 1408 – Schedule Trustee Hearing

The Board of Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing.

Section 1409 – Notice of Trustee Hearing

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Section 1410 – Decision of Board of Trustees

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

Section 1411 – Effective Date of Decision

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the least preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

Section 1412 – Effect of Referendum

No amendment or supplement for which such referendum vote has been requested shall be put into effect, unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect. (Section 519.12 Ohio Revised Code)

Section 1413 – Ratification of Amendments to the Township Zoning Plan

All amendments or supplements to a Township zoning plan adopted by a Board of Township Trustees prior to the effective date of the act, except those amendments or supplements which a

Court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a Court are hereby rectified and shall be valid amendments or supplements to such zoning plans regardless of the procedure followed with respect to such amendments or supplements prior to this adoption by a Board of Township Trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provision of this section. (Section 519.121 Ohio Revised Code)

Section 1414 – Administrative Site Plan Approval

Where review is administratively provided herein to include only the Zoning Inspector or Zoning Commission and not include required approval of the Board of Trustees, such approval shall be considered administrative in nature and not subject to a delayed effective date in accordance with Sections 1411 or 1412.

ARTICLE XV - - DEFINITIONS

Section 1501 – Intent

All words used in this Resolution shall have their customary meanings as defined in Webster's New World Dictionary most recent published edition, except those specifically defined in this Article or elsewhere in this Resolution. Unless the context otherwise requires, words used in the present tense include the future tense; the singular number includes the plural; the term "shall" is mandatory; the term "may" is permissive, the phrase "used for" shall include, without limitation, the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for"; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "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.

Section 1502 – Specifically Defined Terms

The following definitions are prescribed to assist in the interpretation of the regulations herein:

- 01) 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.
- 02) 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.
- 03) Adult Arcade – 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."
- 04) Adult Bookstore or Adult Video Store – 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".
- 05) Adult Cabaret – 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.
- 06) Adult Motion Picture Theater – 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."

- 07) Adult Theater – 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.”
- 08) 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.
- 09) Area of Buildings – The area at 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.
- 10) Area of Lot – The total horizontal area within the lot boundary lines of a zoning lot.
- 11) Boarding House – A one (1) family dwelling operated by a resident family in which guests are served meals for compensation.
- 12) Buildings and Structures – Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadsidesstands, sheds, signs, and walls; Excluding trailers and other vehicles whether on wheels or other supports.
- 13) 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”.
- 14) 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.
- 15) Business Sign – A sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
- 16) Dwelling – A building designed or occupied exclusively for non-transient residential use (including on (1) family, two (2) family, or multi-family buildings).
- 17) Dwelling, One-Family – a building consisting of on (1) dwelling unit only, detached or separated from other dwelling units by open space.
- 18) Dwelling, Two-Family – 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.
- 19) Dwelling Unit – Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities – all used by only one (1) family.
- 20) Family – Either an individual, two (2) or more persons who live together in one (1) dwelling unit and maintain a common household, related by blood, marriage or adoption.

- 21) 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.
- 22) Ground Mounted Solar Energy Systems – A solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 23) Inherently Dangerous Animal – Inherently dangerous animals are not animals considered common pets or common farm animals. 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
- 24) Integrated Solar Energy Systems – A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 25) 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.
- 26) 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.
- 27) Lot Depth – The mean horizontal distance of a lot measured between the front and rear lot lines.
- 28) Lot Width – The horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line.
- 29) 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.
- 30) Main Use – The principal purpose or activity of a building, other structure or zoning lot.
- 31) Manufactured Home – A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards 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.

- 32) Massage Parlor – 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.
- 33) Mobile Home Lot – A lot designated within a mobile home park which is the sitefor location of one (1) mobile home.
- 34) 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. Concrete Pad/Strips – It shall be placed on two (2) concrete runners tow (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 concreted centered under the frame of the trailer and adequately tied down.
- 35) 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.
- 36) Non-Conforming Use – The use of a building or land existing lawfully at the time this Resolution, or and amendment thereto became effective but which does notconform to the use regulations of the district in which it is located.
- 37) 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).
- 38) Roadside Stand - A removable structure used only, or intended to be used, only for the sale of seasonal agricultural products produced on the premises.
- 39) Real Estate Sign – A “For Sale” or For Rent” sign relating to and located on the zoning lot.
- 40) Rooftop Solar Energy Systems – A solar energy system that is mounted to a structure or building’s roof on racks.
- 41) 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.
- 42) Sexually-Oriented Business – 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.
- 43) Sign – A structure or part thereof, or any devises 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.

- 44) Small Solar Facility – A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 45) Solar Energy – Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 46) Solar Energy System – A system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.
- 47) 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.
- 48) Structure – That which is constructed, located more or less permanently on the ground or attached to something located on the ground.
- 49) Tourist Home – A one (1) family dwelling, operated by a resident family in which Only overnight guests are lodged for compensation.
- 50) 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.
- 51) 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.
- 52) 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.
- 53) Variance – A modification of this Resolution, permitted in instances where a literal application of these provision would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.
- 54) 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.
- 55) Yard, Front – The yard extending from the front wall of the building to the front lot line across the full width of the lot.
- 56) Yard, Rear – The yard extending from the rear wall of the building to the rear lotline across the full width of the lot.
- 57) Yard, Required – 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.
- 58) Yard, Side – 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.

59) 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 “A” - - ZONING MAP

APPENDIX “B” - - FEE SCHEDULE

Applications for Zoning Permits and Certificates of Zoning Compliance shall be accompanied by the following fees:

Accessory Building = \$50.00

Dwelling Unit = \$250 each

Non-Residential Building = \$350 each

Lot Splits & Subdivisions = \$25 per lot

Structural Permits / Wind Turbine = \$50 each

Telecommunication Tower, Drilling Permit / Natural Resource Processing = \$250 (\$100 annual renewal)

Applications for Board of Zoning Appeals review shall be accompanied by the following fees:

Administrative Appeal = \$500

Conditional Use Permit / Substantially Similar Use Permit = \$500

Variance = \$500.00

Applications for Zoning Commission review shall be accompanied by the following fees:

Text or Map Amendment = \$500 + \$10 per acre

Site Plan Review = \$250 per site

Disclaimer: This content of this page is not considered to be a formal section of the Cardington Township Zoning Resolution and is subject to administrative amendment without requiring the procedures of the formal adoption process contained herein.

APPENDIX “C” - - SUMMARY OF 2025 CODE REVISIONS

Updated: May 6, 2025

The original adopted resolution dated July 24, 2000 was reviewed and modified by the Cardington Township Zoning Commission, with assistance from Plan 4 Land, land use consultants, to provide for ease of use by residents and property owners, proper administration of regulations by township officials and overall conformance with the comprehensive vision for the future of the township.

The following is a summary of the revisions being included in this draft:

1. Document Format – The overall format of the document was revised to Microsoft Word indexed format to provide for an accurate table of contents. Prior resolution index was missing Section XVI for Corner Lots, had inconsistencies in article titles. Page numbers were formatted to automatically update with revisions. The title and version description were added to footer with page numbers for easy reference to document. The document was formatted to include the following hierarchy of regulations (1) articles, (2) sections, (3) numbered regulations, (4) lettered sub-regulations to ease reference.
2. Cover & Message – The cover of the document was simplified to include broader purpose from the Ohio Revised Code and a historical USGS map snapshot from 1961. The non-regulatory message regarding the operations of the Cardington Township Zoning Office were included as an informal letter within the document and listed as administrative, subject to updates without full adoption.
3. Revision Tracking – A sheet was added to track revisions to the zoning resolution for purpose of easing the finding of non-conformity or grandfathered lots, uses or structures. This will be updated, as the Trustees adopt revisions.
4. Resolution – The resolution was formalized to official form for use and retention in meeting minutes and sufficient for recording.
5. Administration – Various sections of the code regulating administrative functions were pulled to the introductory article to be addressed prior to stipulation of the regulations. This includes:
 - a. Title section was added as Section 101.
 - b. Authority language was added as Section 102.
 - c. Purpose was categorized under Section 103 and simplified to ORC definition to not limit specifics.
 - d. Interpretation was categorized under Section 104.
 - e. Separability was moved from Section XXIV to Section 105 and was updated to accommodate amendments versions only the original adoption.
 - f. Added a required statement for compliance under Section 106.
 - g. Provided a list of exempt uses under Section 107, incorporating prior Section X and elaboration on limited regulation of agricultural uses.
 - h. Included language in Section 108 to ensure all references not specified are to be to the Zoning Resolution and clarify any references to state law shall be considered amended to apply to all updates.
 - i. Provided verbiage to require permits and stipulate terms of approval.
 - j. Zoning Fees are mentioned as an administrative act in Section 110.

- k. Enforcement was moved from Section XXIII to Section 111 and updated to accommodate fines of up to \$500 per day, in conjunction with ORC updates.
- 6. Updated Article II to include reference to the Zoning Map and remove color references on the zoning map, as they are better described on the new Zoning Map. Removed administrative language better covered in Article I. Added language regarding interpretation of the map.
 - 7. Article III was renamed to recognize the Agriculture District as such and layout specific standards for the same and restructured to provide for permitted, conditionally permitted and prohibited uses and appropriate development standards for the district. Standards were established with a five (5) acre minimum, and setbacks were made to reflect more open space standards than that in the residential district. Modified acreage to be calculated gross instead of net of road right-of-way. Added height limitations. Uses considered for suitability. Incorporated relevant information from prior sections:
 - a. XI – Minimum Lot Area per Family
 - b. XIII – Setback Lines
 - c. XIV – Side Lot Clearance
 - d. XV – Rear Lot Clearance
 - e. XVI – Corner Lots
 - 8. Article IV restructured to provide for permitted, conditionally permitted and prohibited uses and appropriate development standards for the residential district. Added allowance for three-family dwellings. Added height limitations. Modified acreage to be calculated gross instead of net of road right-of-way. Incorporated relevant information from prior sections and set minimum lot size at two (2) acres exclusive of road right-of-way:
 - a. XI – Minimum Lot Area per Family
 - b. XIII – Setback Lines
 - c. XIV – Side Lot Clearance
 - d. XV – Rear Lot Clearance
 - e. XVI – Corner Lots
 - 9. Article V restructured to provide only address Commercial District standards for permitted, conditionally permitted and prohibited uses and appropriate development standards for the district. Added height limitations. Incorporated relevant information from prior sections:
 - a. XI – Minimum Lot Area per Family
 - b. XIII – Setback Lines
 - c. XIV – Side Lot Clearance
 - d. XV – Rear Lot Clearance
 - e. XVI – Corner Lots
 - 10. Article VI provided for separate Industrial District standards for permitted, conditionally permitted and prohibited uses and appropriate development standards for the district. Incorporated relevant information from prior sections:
 - a. XI – Minimum Lot Area per Family
 - b. XIII – Setback Lines

- c. XIV – Side Lot Clearance
 - d. XV – Rear Lot Clearance
 - e. XVI – Corner Lots
11. Created Article X – General Development Standards that apply to all districts, to consolidate the following prior sections:
- a. VI – Prohibited Uses
 - b. VII – Non-Conforming Uses
 - c. XII – Minimum Dwelling Sizes
12. Created Article XI – Restricted Development Standards to compile and address conditional use permit standards, add wind and solar facility regulations, expanded home occupation regulations and consolidate the following prior sections, which are conditional uses:
- a. VIII – Outdoor Advertising
 - b. X-A – Wireless Cellular Communications Facilities
 - c. XVII – Quarrying, Mining, Development of Natural Resources
 - d. XVIII – Sexually-Oriented Businesses
13. Moved Section XX – “Zoning Inspector and Certificates” and Section XXIII – “Enforcement” to Article XII to broadly address “Zoning Inspector Procedures.”
14. Moved Section XXI – “Appeals and Hardships” to Article XIII to broadly address “Board of Zoning Appeals Procedures.”
15. Moved Section XXII – “Amendments and Supplements” to Article XIV to broadly address “Zoning Commission Procedures.”
16. Moved “Definitions” from Section XXVI to Article XV.
17. Deleted Article XXV regarding effective date, as it is prescribed by law and better referenced on the resolution form.
18. Included Zoning Map reference as Appendix “A”.
19. Modified Fee Schedule to be referenced as Appendix “B” and subject to administrative updates, as permitted by law. Removed limitation on review period.
20. Added Appendix “C” to include a summary of amendments.

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