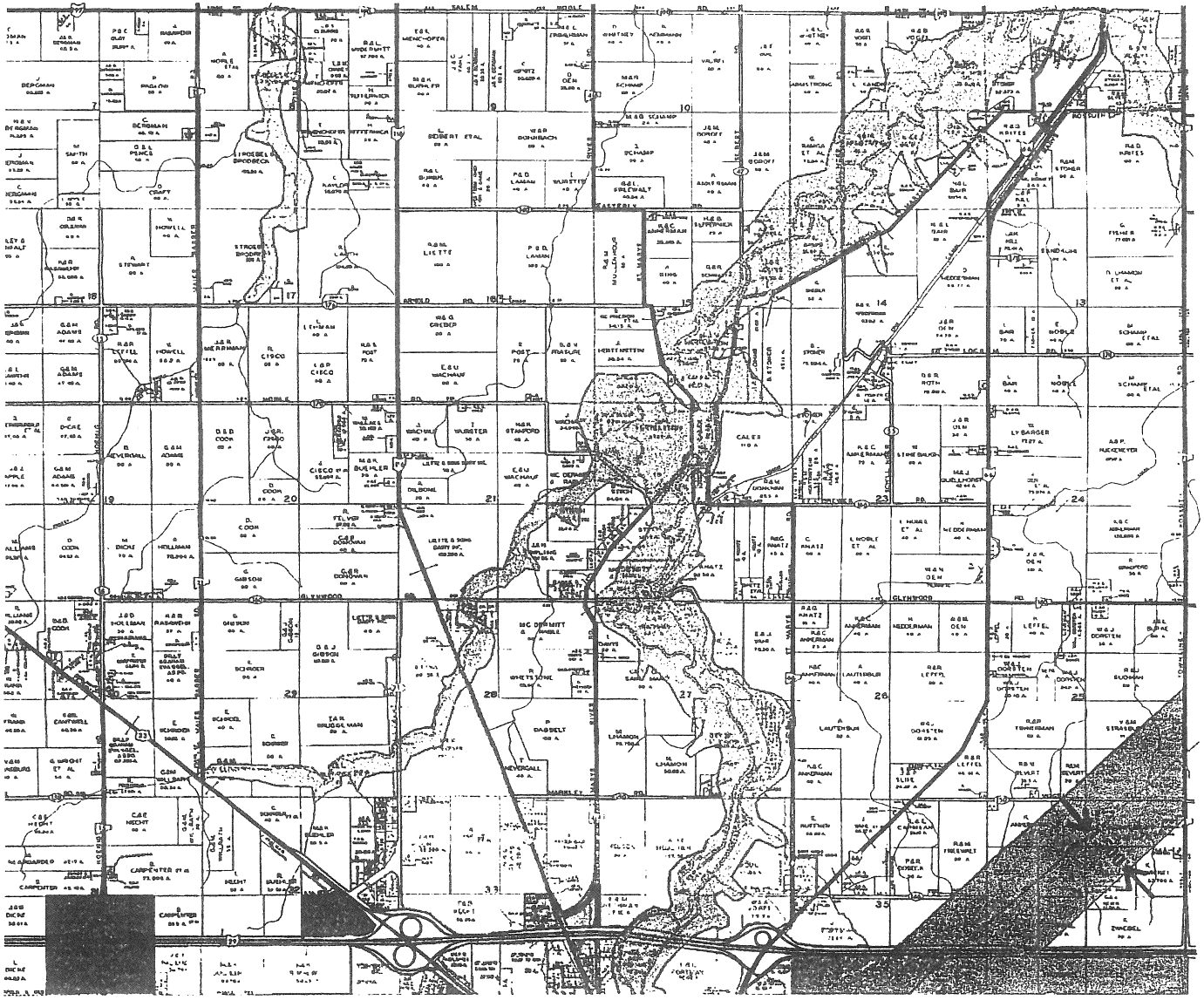
# The Zoning Resolution

# for Noble Township

Amended 11/29/01



# The Official Noble Township Zoning Map

## Zoning Districts

- Floodplain (FP)
- Agricultural (A-1)
- General Industrial (I-1)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- Neighborhood Commercial (C-1)
- General Commercial (C-2)
- Planned Unit Development (PUD)

Chairman Noble Township Trustees

Noble Township Clerk

Date

PDG *Planning*

Poggemeyer Design Group, Inc.

# The Zoning Resolution for Noble Township

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# CHAPTER 1
# GENERAL PROVISIONS

**100 Title**

A RESOLUTION TO REGULATE, RESTRICT AND LIMIT THE LOCATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND, FOR BUSINESS, INDUSTRY, RESIDENCE OR OTHER PURPOSE; TO REGULATE AREA, HEIGHT AND SETBACKS; TO PROVIDE FOR A METHOD OF ADMINISTRATION AND ENFORCEMENT; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE WITHIN PROVISIONS.

This Resolution may also be known as "The Zoning Resolution for Noble Township", and may be herein referred to as "this Resolution".

**101 Preamble**

Whereas it has been determined by the Board of Township Trustees of Noble Township, that it is in the interest of promoting the public health, safety, and morals, to regulate by Resolution, and in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the use of buildings and other structures including tents, cabins, and trailer coaches, and the use of land for trade, industry, residence, recreation, or other purpose in the unincorporated territory of Noble Township, and for such purpose, shall divide all of Noble Township into zoning districts.

**102 Repeal of Previous Zoning Resolution**

Upon the adoption of this Resolution, and subsequent effective date, the previous Zoning Resolution, or any amendments thereto, shall be repealed.

**103 Area of Jurisdiction**

The provisions of this Resolution shall apply to all unincorporated areas of Noble Township, Auglaize County, Ohio.

**104 Provisions Declared Minimum Requirements**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

**105 Separability Clause**

Should any section or provision of this Resolution be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

**106 Conformance Required**

Except as hereinafter provided:

- No land, building, or structure shall be used, or change in use, except in conformance with the usage allowed in the zoning district in which it is located.
- No building shall be erected, converted, enlarged, or reconstructed, nor shall any building or structure be placed on a parcel of land, except in conformance with the

setback, height or other applicable dimensional standards described in the zoning district for which such property is located.

- No lot or parcel of land may be subdivided into a smaller lot or parcel except in conformance with the lot size requirements prescribed in the zoning district within which such property is located.

107 **Pending Applications For Zoning Permits**
Nothing in this Resolution shall require any change in approved plans, or construction activity underway for which an approved zoning permit has been granted before the enactment of this Resolution, or any amendment hereto (See Section 807 for other applicable time limits on zoning permits).

## CHAPTER 2
## PROVISIONS FOR OFFICIAL ZONING MAP

**201 Official Zoning Map**
The Noble Township Zoning Map is hereby adopted as part of this Resolution. Subsequent amendments to this zoning map will be made in accordance with provisions of Chapter 11 of this Resolution.

**202 Identification of the Official Noble Township Zoning Map**
The Official Noble Township Zoning Map shall be identified by the original signature of the Chairman of Noble Township Trustees and attested by the Noble Township Clerk. The Official Noble Township Zoning Map shall be held on file in the Noble Township Hall. Copies of this map may be produced and distributed, but current and official determinations of zoning district boundaries shall be made from this Official Zoning Map.

**203 Interpretation of District Boundaries**
Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- Where district boundaries approximately follow lot lines, such lot lines shall be construed as being a boundary of a zoning district.
- Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

Any questions of Interpretation of the Official Zoning Map, which cannot otherwise be resolved shall be referred to the Board of Zoning Appeals for determination in accordance with Section 1002.

**204 Responsibility for Maintenance of the Official Noble Township Zoning Map**
The Noble Zoning Inspector shall be responsible for maintenance of the Noble Township Zoning Map.

**205 Establishment of Districts**
For the purpose of regulating and restricting the location of buildings, structures and land use, Noble Township is divided into zoning districts as shown on the Official Zoning Map. These districts include the following, and may be illustrated on the Official Zoning Map.

| | |
|---|---|
| FP | Floodplain District. |
| A-1 | Agricultural Zoning District. |
| R-1 | Low Density Residential Zoning District. |
| R-2 | Medium Density Residential Zoning District. |
| R-3 | High Density Residential Zoning District. |
| C-1 | Neighborhood Commercial District. |
| C-2 | General Commercial Zoning District. |
| I-1 | General Industrial Zoning District. |
| PUD | Planned Unit Development District. |

**206 Zoning Districts As Applicable to Land Annexed to, or incorporated within, a Municipality**

Pursuant to ORC 519.18, these Regulations shall apply within a municipal corporation for a certain period of time following municipal annexation or incorporation.

## CHAPTER 3
## GENERAL REQUIREMENTS

**301 Agriculture**

Except as noted below, nothing in this Resolution shall prohibit or otherwise regulate the use of land for agricultural purpose or, prohibit or otherwise regulate, the construction of buildings or structures for agricultural purpose.

**301.1 Dwellings**

Dwellings anywhere in Noble Township are not herein defined as agricultural structures, and are subject to all zoning requirements contained in this Resolution.

**301.2 Agricultural Activity in Platted Subdivisions or Subdivided Areas.**

In any platted subdivision approved under section 711.05, 711.09 or 711.10 of the ORC and local subdivision regulations, or any area consisting of 15 of more contiguous lots (contiguous including those across a public street) approved under section 711.131 of the ORC and local subdivision regulations, agricultural activity may be regulated in a non-agricultural zoning district.

**301.3 Farm Markets**

Farm markets are regulated by this Resolution with respect to parking areas, and setback lines, as well as locations of ingress and egress.

**301.4 Sale of Agricultural Products**

The rental or sale of products used in agricultural operations and activities, such as fertilizer or farm implements, is regulated by this code and subject to the same restrictions and requirements as any other commercial establishment.

**302 Public Utilities & Cellular Telephone Towers**

Pursuant to ORC 519.21, this Resolution does not regulate the location, erection, construction, reconstruction, removal, use or enlargement of any buildings or structure (including poles, wires, and substations), of any public utility, motor freight carrier, railroad, whether publicly or privately owned, or the use of land by any public utility, motor freight carrier, railroad, for the operation of its business. However, in accordance with ORC 519.21.1, when a public utility plans to construct a cellular telephone tower to be used in the provision of cellular telephone communication services, the procedures indicated therein shall be followed, and all zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use.

**303 Not Used**

**304 Sale of Alcoholic Beverages**

Pursuant of ORC 519.21, this Resolution does not prohibit the sale of alcoholic beverages in any retail business, hotel, restaurant, private club, or similar establishment. However, regardless of whether or not an establishment sells alcoholic beverages or not, such use must be a permitted use in the zoning district in which such property is located.

**305 Unsafe Buildings**

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition, any building or structure declared unsafe by a proper authority.

**306 Conversion of Dwellings**

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution including; requirements such as minimum lot sizes of the zoning district within which such property is located.

307 **Required Lot Area or Open Space Cannot be Reduced**
No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this zoning Resolution.

308 **Minimum Height of Foundation**

The foundation of any building, subject to these zoning regulations, less than 200 feet off any roadway, shall be at least equal to or greater than the road height from which the front setback is measured. Such measurement shall be taken from the lowest point of the road immediately in front of said building.

309 **Culverts & Driveways on Township Roads**
Culverts are required to be installed whenever a new driveway or roadway connects to an existing township road. All culverts must be a minimum of 8 inches in diameter and the installation must be approved by a designated township employee or official. In accordance with polices established by the Noble Township Trustees, culverts must meet specified requirements for installation, material strength and culvert length. Driveway approaches connecting to a Township Road, shall be constructed of materials other than concrete.

310 **Minimum Frontage Requirement**
All parcels of land which are subdivided from a larger parcel of land, and which are greater than five (5) acres in size shall have a minimum frontage of fifty (50) feet on a public road
.

311 **Lot Width To Depth Ratio**
In addition to minimum lot width and lot area requirements required by this Resolution, all new lots subdivided from a larger parcel, which are under five (5) acres in size, may not have a ratio of lot depth to lot width which is greater than three to one. In other words, a lot which has 100 feet of lot width, many not have a lot depth which is greater than 300.

312 **Manufactured Housing and Associated Facilities**

312.1 **Manufactured Home Parks, Recreational Vehicle Parks, Recreation Camps.**
Pursuant to ORC 3733.02, manufactured home parks, recreational vehicle parks, recreation camps and temporary park-camps are regulated with respect to specific development standards by the Ohio Department of Health. Said use however, must be listed as a permitted use within the zoning district within which such use is proposed to be located.

312.2 **Placement of Manufactured Homes on Individual Lots**
All manufactured homes, shall be located within manufactured home parks, except as provided in Section 312.5 and 312.6 below and except that manufactured homes may be placed on individual lots with prior approval from the Board of Zoning Appeals. This requirement applies regardless of whether such manufactured home is to be placed on a permanent foundation.

312.3 **Placement of Industrialized Units on Individual Lots**
All industrialized units, also known as modular, sectional or preconstructed housing units, are permitted in any zoning district which permits residential use. Such units are to be permanently affixed to the land upon which they are located with a permanent cement or block foundation.

312.4 **Sales, Display and Storage of Manufactured Homes, Industrialized Units, Recreational Vehicles, and Portable Camping Units,**
All sales, display and storage of manufactured homes, industrialized units, recreational vehicles and portable camping units are deemed commercial use, and shall be located in appropriate commercial zoning districts.

312.5 **Temporary Use of a Structure**
A structure may be used as a residence, temporary office, or other commercial or industrial space incidental to construction of a building or development on the premises on which the structure is located, only during the time that the construction or development is actively underway, and for a period not to exceed eighteen (18) months. Such starting date shall be determined with the issuance date of a zoning permit for the permanent structure.

312.6 **Replacement of Manufactured Homes**
Any lawfully existing manufactured home on an individual lot, and outside of an established manufactured home park, may be replaced with another manufactured home with prior approval from the Board of Zoning Appeals (in accordance with Section 1002). The Board of Zoning Appeals shall consider whether the proposed replacement of such a manufactured home would represent an improvement in the neighborhood.

313 **Junk Yards, Junk Motor Vehicle Storage, and Inoperable Motor Vehicle Storage**
Junk yards, as defined herein are not permitted in any zoning district. Junk motor vehicle storage, unlicensed motor vehicle(s) storage, and inoperable motor vehicle storage are also not permitted within any zoning district unless stored within a completely enclosed structure. Vehicles meeting the definition of a historical motor vehicle are not included in the same category as junk, unlicensed or inoperable vehicles. Any existing junk yard is classified as a non-conforming use.

314 **Minimum Dwelling Sizes**
Except in areas zoned R-3, no dwelling may be placed, erected, moved or constructed unless such dwelling provides more than 1,000 square feet of gross living area, exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as year round living area. In areas zoned R-3, multi-family dwellings shall have at least 750 square feet of gross living area, exclusive of garages, breezeways, unfinished basements, or other spaces not typically used as year round living area.

315 **Temporary Buildings and Construction Equipment Storage**
Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work are permitted in all zoning districts during the period construction work is in progress. Such temporary facilities and equipment shall be removed upon completion of the construction work. Storage of such construction trailers, construction equipment, construction materials or other equipment on a property not involved in any construction activity must be a permitted use and be allowed in a zoning district and shall require a zoning permit.

316 **Adult Entertainment Businesses**
In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

A. No adult entertainment business shall be permitted in a location which is within one thousand five hundred feet (1,500') of another adult entertainment business.

B. No adult entertainment business shall be permitted in a location within one thousand feet (1,000') of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.

C. No adult entertainment business shall be permitted in a location which is within five hundred feet (500') of any residence or boundary or any residential district.

D. No adult entertainment business shall be permitted in a location which is within five hundred feet (500') of any boundary of any residential district in a local unit of government abutting the township.

For the purposes of this section certain words and/or terms having the following meaning:

**Adult Entertainment Business:** An adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or any adult only entertainment establishment as defined by this resolution.

**Adult Book Store:** An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated; or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices; or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult material as defined in this resolution.

**Adult Motion Picture Theater:** An enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult materials ad defined by this resolution.

**Adult Motion Picture Drive-In:** An open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this resolution.

**Adult Only Entertainment Establishment:** An establishment where the patron directly or indirectly is charged a fee; where the establishment features entertainment or services which constitute adult material as defined in this chapter; or which features exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, bottomless, female impersonators, or similar entertainment or services which constitute adult material.

**Adult Material:** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, pornographic record or tape, other tangible thing, or any service capable or arousing interest through sight, sound, or touch, and; which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination, or

Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.

**Bottomless:** Less than full opaque covering of male or female genitals, pubic area, or buttocks.

**Topless:** The showing of female breasts with less than a full opaque covering of any portion, thereof, below the top of the nipple.

**Nude or Nudity:** The showing, presentation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof; or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple; or of covered male genitals in a discernibly turgid state.

**Sexual Activity:** As defined in Ohio Revised Code Section 2907.01.

**Sexual Conduct:** As defined in Ohio Revised Code Section 2907.01.

**Sexual Contact:** As defined in Ohio Revised Code Section 2907.01.

**Sexual Excitement:** As defined in Ohio Revised Code Section 2907.01.

317 **Regulation of Signs and Outdoor Advertising**
Commercial signs which identify a place of business, goods or services provided by this Resolution in accordance with the requirements of each zoning district. Outdoor advertising is also regulated according to Section 510. Zoning permits are required for these types of signs as described in Section 804.5.

The following types of signs do not require a zoning permit and are exempt from these regulations:

- The flag, pennant or insignia of any nation, state, city or political unit, or any duly constituted government body.
- Cornerstones or official historical signs.
- Traffic directional signs, or any sign placed in a location by a duly constituted government body.
- Political signs which are removed within 30 days following a given election.
- Real estate for sale signs located on property for sale.
- Agricultural signs that pertain to commodities produced on the premises.
- Signs of a temporary nature that are removed from a property within 120 days, and do not re-appear for 30 days.

318 **Prohibited Signs**
Trailer mounted mobile signs are prohibited in any zoning district in Noble Township. These signs are mounted on a trailer, and which typically have flashing lights and an interior light source which illuminates an area upon which letters and/or numbers are affixed. Additionally, any sign which is illuminated by a light source which flashes, rotates, or otherwise moves is prohibited, as are any signs which, because of glare or reflection, are found to cause a traffic hazard or nuisance.

## CHAPTER 4
## DISTRICT REGULATIONS

### 400 FP Flood Plain District

This district is established to limit development in areas which have been found to be subject to flooding. The boundaries of the Flood Plain District have been placed on the Zoning Map to most accurately reflect the most current available information flood plain boundaries. Where questions arise concerning the specific boundaries of this Flood Plain District, the Board of Zoning Appeals shall make a determination of the boundaries of the Flood Plain District utilizing the best and most current information available, including the *Flood Plain Management Study, St. Marys River SCS, USDA,* July 1992, or most recent maps produced by the National Flood Insurance Program. In all cases, the limits of the flood plain are intended to reflect, and be based on, 100 year frequencies.

In terms of regulating development, it has been determined that strictly limiting development in these areas will serve the public interest by helping to accommodate future projected flood flows in the area and thereby help to reduce risks of greater flood damage. It is also understood that flood prone areas are often places of environmental significance from the standpoint of wildlife habitat, natural beauty, and recreational opportunities. Additionally, it is recognized that often river systems and associated flood plains may relate to groundwater quality, as they are often areas where groundwater aquifers are recharged.

#### 400.1 Principal Permitted Use

The following use is permitted in the FP District:

- Agriculture.
- Parts of residential lots which are undeveloped and include lawns, gardens, play areas.

#### 400.2 Conditionally Permitted Use

The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the FP District.

- Single family dwellings, and accessory buildings with proof of compliance with Auglaize County Flood Plain Regulations.
- Use and structures which are customarily accessory to a principal use, or on an individual lot without a principal use or structure.
- Farm markets and road-side stands involving temporary structures (See Section 400.8).
- Home occupations (See Section 506).
- Private and public recreational use including golf courses, picnic grounds, driving ranges, boat launching ramps, hiking trails, horse trails, and wild life preserves.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Off-street parking.

#### 400.3 Minimum Yard Setbacks for Principal Structures

All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet.

**Side Yards:** There shall be a minimum side yard of twenty (20) feet.

**Rear Yards:** There shall be a minimum rear yard of forty (40) feet.

**400.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall not be located closer than 5 feet to any property line.

**400.5 Minimum Lot Dimensions**
All lots shall be five (5) acres or more in size and shall comply with frontage and width to depth ratios described in Section 310 and 311.

**400.6 Height Limitations**
No structure shall exceed thirty-five (35) feet in height.

**400.7 Sign Regulations**
All non-residential permitted use (with the exception of home occupations) may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

**400.8 Farm Markets and Road-side Stands**
Temporary structures placed for the purpose of farm markets or road-side stands may not be located in the public right-of-way and shall provide off-street parking in accordance with Chapter 6. All points of ingress or egress into parking areas may not be located within 50 feet of any intersecting street. All temporary structures are required to obtain a zoning permit.

## 401 Agricultural District (A-1)

The A-l Agricultural District is hereby created in order that there be areas within Township, Auglaize County, Ohio, exclusively reserved for agricultural cultivation, ver density residential development and other essentially non-urban activities, so that basically rural character of these areas may be preserved and maintained.

### 401.1 Principal Permitted Use

The following use is permitted in the Agricultural Zoning District:

- Agriculture.
- Single family dwellings (outside 0.5 miles of a large livestock operations (See Section 401.21).
- Public or private schools.
- Nurseries, including the sale of plant materials.
- Publicly owned recreation facilities.
- Farm markets and road-side stands.
- Accessory use such as private garages, swimming pools (See Section 505), and accessory structures such as storage sheds.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Home Occupations (See Section 506).

### 401.2 Conditionally Permitted Use

The following use may be approved by the Board of Zoning Appeals in accordance with Section 1002 in the Agricultural Zoning District:

- Single family dwellings (inside 0.5 miles of large livestock operations (See Section 401.21).
- Private recreational areas and facilities such as swimming clubs , recreation clubs, summer camps, country clubs, and golf courses.
- Use and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
- Churches.
- Cemeteries.

#### 401.21 Dwellings Near Large Livestock Operations

Because of the special considerations which relate to large livestock operations, all single family dwellings in the A-1 zoning district which would be within one half mile (2,640 feet) of a large livestock operation are deemed to be a conditional use. The term "large livestock operation" refers to facilities and operations which involve, or are designed to involve, more than 100,000 pounds of animal body weight. The distance from a large livestock operation shall be measured from the property line of the parcel on which the large livestock operation is situated.

### 401.3 Minimum Yard Setbacks For Principal Structures (See also Section 502)

All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway, and not less than fifty (50) feet from any County or Township Road measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of fifteen (15) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

**401.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures shall not be located closer than 5 feet to a property line.

**401.5 Height Limitations**
No dwelling, or other structure shall exceed thirty-five (35) feet in height.

**401.6 Minimum Lot Dimensions**
Lots shall have a minimum size of one and one half acres and shall comply with frontage and width to depth ratios described in Section 310 and 311.

**401.7 Sign Regulations**
All non-residential permitted use (with the exception of home occupations) may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

**401.8 Farm Markets and Road-side Stands**
Farm markets and road-side stands may not be located in the public right-of-way and shall provide off-street parking in accordance with Chapter 6. All points of ingress or egress into parking areas may not be located within 50 feet of any intersecting street. All permanent, as well as temporary structures, are required to obtain a zoning permit in accordance with Section 804.

FREQUENTLY MISSED

**401.9 Subdivision of Land in the A-1 Zoning District**
To help preserve the rural character of parts of Noble Township, and to discourage random and unplanned urban development in predominantly agricultural areas, and to limit the density of population without requiring large lot sizes which wastes land resources, the subdivision of land in Agricultural Zoning Districts is limited as follows:

Any parcel of land shown as a unit on the tax map at the effective date of this resolution, may be thereafter divided into not more than five (5) lots that are less than five (5) acres in size. The division or partition of land into parcels of more than five (5) acres, may be accomplished regardless of the number involved, provided all other applicable regulations are met. All subdivision activity shall be accomplished according to applicable subdivision regulations.

**402 Low Density Residential District (R-1)**
The R-1 Low Density Residential District is hereby created in order to provide suitable areas where lower density residential development of a more rural nature may take place. Such areas are not expected to be served with central water or central sewers in the foreseeable future, and are characteristically lower density rural residential development.

**402.1 Principal Permitted Use**
The following use is permitted in the Low Density Residential District:

- Agriculture (outside platted subdivisions or subdivided areas -See Sec. 301.2).
- Single family dwellings.
- Public or private schools.
- Accessory use such as private garages, swimming pools (See Section 505), and accessory structures such as storage sheds.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Home Occupations (see Section 506).

402.2 **Conditionally Permitted Use**
The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the Low Density Residential District.

- Agriculture (inside platted subdivisions or subdivided areas - See Section 301.2).
- Public recreation facilities.
- Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
- Farm markets and road-side stands.
- Use and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
- Churches.
- Cemeteries.

402.3 **Minimum Yard Setbacks For Principal Structures (See also Section 502)**
All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway, and not less than fifty (50) feet from any County or Township Road measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of fifteen (15) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

402.4 **Minimum Setbacks For Accessory Structures**
All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

402.5 **Height Limitations**
No dwelling, or other structure shall exceed thirty-five (35) feet in height.

402.6 **Minimum Lot Dimensions**
Lots shall have a minimum size of one acre and shall comply with frontage and width to depth ratios described in Section 310 and 311.

402.7 **Sign Regulations**
All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

403 **Medium Density Residential District (R-2)**
The R-2 Medium Density Residential District is hereby created in order to provide suitable areas where residential development of a more suburban nature may take place. Such areas are required to be served with central sewer and/or a central water system, and are characteristically a suburban residential development.

403.1 **Principal Permitted Use**
The following use is permitted in the Medium Density Residential District:

- Agriculture (outside platted subdivisions or subdivided areas -See Section 301.2).
- Single family dwellings.
- Two Family Dwellings (where served by both central water & central sewer).
- Public or private schools.
- Accessory use such as private garages, swimming pools (see Section 505), and accessory structures such as storage sheds.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Home Occupations (see Section 506).

403.2 **Conditionally Permitted Use**
The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the Low Density Residential District.

- Agriculture (inside platted subdivisions or subdivided areas - See Section 301.2).
- Public recreation facilities.
- Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
- Farm markets and road-side stands.
- Use and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
- Churches.
- Cemeteries.

403.3 **Minimum Yard Setbacks For Principal Structures (See also Section 502)**
All principal structures shall meet the following yard requirements:

**Front Yards:** For lots which are not served by central sewers, there minimum front yard depth of not less than eighty (80) feet from any State and not less than fifty (50) feet from any County or Township Road n from the right-of-way line. For lots which are served by central sewers, th be a minimum front yard depth of not less than sixty (60) feet from an Highway and not less than forty (40) feet from any County or Township measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of ten (10) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty (20) feet.

**403.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

**403.5 Height Limitations**
No dwelling, or other structure shall exceed thirty-five (35) feet in height.

**403.6 Minimum Lot Dimensions**
All residential lots shall have minimum lot sizes as follows and shall comply with frontage and width to depth ratios described in Section 310 and 311:

A) If a lot is not served by central sewage treatment, such a lot must be at least one acre in size.

B) If a lot is served with central sewage treatment, but is not served by central water, such lot shall be at least 10,800 square feet in size.

C) If a lot is served with central sewage treatment, and is also served by central water, such lot shall be at least 9,450 square feet.

**404 High Density Residential District (R-3)**
The R-3 High Density Residential District is hereby created in order to provide suitable areas where residential development of a more high density urban nature may be developed. Such areas are required to be served with both central sewer and central water systems.

**404.1 Principal Permitted Use**
The following use is permitted in the High Density Residential District:

- Agriculture (Outside platted subdivisions or subdivided areas -See Section 301.2).
- Single-family dwellings.
- Two-family dwellings.
- Multi-family dwellings.
- Mobile Home Parks.
- Public or private schools.

- Accessory use such as private garages, swimming pools (see Section 505), and accessory structures such as storage sheds.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Home Occupations (see Section 506).

**404.2 Conditionally Permitted Use**
The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the High Density Residential District.

- Agriculture (inside platted subdivisions or subdivided areas - See Section 301.2).
- Public recreation facilities.
- Private recreational areas and facilities such as swimming pools, recreation clubs, summer camps, country clubs, and golf courses.
- Farm markets and road-side stands.
- Use and structures which are customarily accessory to a principal use, on an individual lot without a principal use or structure.
- Churches.
- Cemeteries.

**404.3 Minimum Yard Setbacks For Principal Structures (See also Section 502)**
All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than forty (40) feet from any State, County or Township Road measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of twenty-five (25) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

**404.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall meet the following yard requirements:

With the exception of road-side stands and farm markets, offering the sale of agricultural products produced on the premises, accessory structures may not be located closer to a public right-of-way than the principal structure. All accessory structures also shall not be located closer than 5 feet to any property line.

**404.5 Height Limitations**
No dwelling, or other structure shall exceed thirty-five (35) feet in height.

**404.6 Maximum Density**
Residential density may not exceed 10 dwelling units per acre of land. A central water and sewer system is required.

**404.7 Sign Regulations**
All non-residential permitted use may have one illuminated sign with not more than twenty-five (25) square feet of total sign area.

## 405 Neighborhood Commercial District (C-1)

The C-1 Neighborhood Commercial District is hereby created in order to provide areas where limited commercial development may occur in suitable locations. Use allowed in the C-1 District include the commercial use which primarily serves an immediate neighborhood area with goods and services.

### 405.1 Principal Permitted Use

The following use is permitted in the C-1 District:

- Agriculture (Outside platted subdivisions or subdivided areas -See Section 301.2).
- Restaurants.
- Professional offices.
- Service businesses such as barber & beauty shops.
- Florists, nurseries & greenhouse.
- Antique sales.
- Farm markets.
- Grocery stores.
- Convalescent homes and day care facilities.
- Accessory structures such as storage sheds.
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.
- Outdoor Advertising.

### 405.2 Conditionally Permitted Use

The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the C-1 District.

- Agriculture (inside platted subdivisions or subdivided areas - See Section 301.2).
- Private clubs.
- Mini-Storage facilities.
- Churches.
- Cemeteries.

### 405.3 Minimum Yard Setbacks For Principal Structures (See also Section 502)

All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway, and not less than fifty (50) feet from any County or Township Road measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of fifteen (15) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

**405.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall not be located closer than 5 feet to any property line.

**405.5 Height Limitations**
No structure shall exceed thirty-five (35) feet in height.

**405.6 Sign Regulations**

**405.6.1 Maximum Sign Area**
Within the C-1 zoning district, the maximum **total** sign area for any one business shall be seventy-five (75) square feet. This maximum includes all sign area, including both sides of a free standing sign.

**405.6.2 Maximum Sign Number and Location**
Within the C-1 zoning district, each commercial use may have up to three signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

**405.6.3 Maximum Height of Free Standing Signs**
No free standing sign in the C-1 zoning district shall have a height of over fifteen (15) feet.

**405.6.4 Sign Illumination**
All external lights shall be placed so as to illuminate only the sign itself, and shall not shine on any adjacent property.

## 406 General Commercial District (C-2)

The C-2 General Commercial District is hereby created in order to provide suitable areas where most forms of commercial development may occur in suitable locations along principal thoroughfares. Use allowed in the C-2 District include the commercial use which primarily serves large regional areas with goods and services.

**406.1 Principal Permitted Use**
The following use is permitted in the C-2 District:

- Agriculture (Outside platted subdivisions or subdivided areas -See Section 301.2).
- All use permitted in the C-1 zoning district.
- Hotels and Motels.
- Furniture sales.
- General retail of goods produced off the premises.
- Department stores.
- Auto service stations and auto repair.
- Truck stops.
- Hospitals.

- Boat and Recreational vehicle sales and storage.
- Miniature golf and bowling alleys.
- Bars and taverns.
- Hospitals.
- Auto washing facilities.
- Accessory structures such as storage sheds.
- Outdoor Advertising.
- Any other use deemed to be of a similar nature as those above by the of Zoning Appeals in accordance with Section 1002.

406.2 **Conditionally Permitted Use**
The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the C-2 District.

- Agriculture (inside platted subdivisions or subdivided areas - See Section 301.2).
- Lumber yards, and building material sales.
- Food and agricultural products processing facilities.
- Wholesale businesses or warehousing, when no processing, fabrication or assembly is involved, and when conducted totally within a building.
- Storage of construction machinery and equipment.
- Cemeteries.
- Adult entertainment business.

406.3 **Minimum Yard Setbacks For Principal Structures (See also Section 502 and 503)**
All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet from any State Highway, and not less than fifty (50) feet from any County or Township Road measured from the right-of-way line.

**Side Yards:** There shall be a minimum side yard of fifteen (15) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

406.4 **Minimum Setbacks For Accessory Structures**
All accessory structures shall not be located closer than 5 feet to any property line.

406.5 **Height Limitations**
No structure shall exceed thirty-five (35) feet in height.

406.6 **Sign Regulations**

406.61 **Maximum Sign Area**
Within the C-2 zoning district, the maximum **total** sign area for any one business shall be one hundred and fifty (150) square feet. This maximum includes all sign area including both sides of a free standing sign.

406.62 **Maximum Sign Number and Location**
Within the C-2 zoning district, each commercial use may have up to three signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

406.63 **Maximum Height of Free Standing Signs**
No free standing sign in the C-2 zoning district shall have a height of over twenty-five (25) feet.

406.64 **Sign Illumination**
All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

## 407 General Industrial District (I-1)

This district is established to accommodate industrial use at appropriate locations within Noble Township.

### 407.1 Principal Permitted Use

The following use are permitted in the I-1 District:

- Agriculture (Outside platted subdivisions or subdivided areas -See Section 301.2).
- The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils.
- Warehousing and wholesaling.
- Research laboratories and offices.
- Newspaper and blueprinting establishments.
- Contractors' yards and storage facilities, provided however, that all equipment, tools and facilities outside shall be neatly arranged, stored or kept within a suitable building.
- Manufacture of clothing, leather goods, athletic equipment.
- Metal processing such as fabrication, stamping extrusion, welding, finishing, polishing.
- Assembly of small products, such as: cameras, clocks, jewelry, cutlery, kitchen utensils and toys; electrical appliances (lighting fixtures, irons, fans, toasters); electrical equipment such as home radios, televisions and movie equipment; small electrical supplies and electrical components; hand tools, dies, engineering, medical and musical instruments, and similar small steel products.
- Outdoor Advertising.

- Plastic molding and extrusion.
- Oil and Gas Drilling (See Section 507).
- Any other use deemed to be of a similar nature as those above by the Board of Zoning Appeals in accordance with Section 1002.

407.2 **Conditionally Permitted Use**
The following use may be approved by the Board of Zoning Appeals in accordance with Section 1004 in the I-1 District.

- Quarrying (See Section 508).
- Sanitary landfills .
- Restaurants.
- Professional offices.
- Service business such as barber and beauty shops.
- Florists, nurseries and greenhouses.
- Antique sales.
- Farm markets.
- Grocery stores.
- Convalescent homes and day care facilities.
- Accessory structures such as storage sheds.
- Private clubs.
- Mini-storage.
- Furniture sales.
- General retail of goods produced off the premises.
- Department stores.
- Auto service stations and auto repair.
- Truck stops.
- Boat and recreational vehicle sales and storage.
- Miniature golf and bowling alleys.
- Bars and taverns.
- Auto washing facilities.
- Lumber yards, and building material sales.
- Food and agricultural products processing facilities.

- Wholesale businesses or warehousing, when no processing fabrication or assembly is involved, and when conducted totally within a building.
- Storage of construction machinery and equipment.
- Adult entertainment business.

**407.3 Minimum Yard Setbacks For Principal Structures (See also Section 502 and 503)**
All principal structures shall meet the following yard requirements:

**Front Yards:** There shall be a minimum front yard depth of not less than eighty (80) feet.

**Side Yards:** There shall be a minimum side yard of fifteen (15) feet.

**Rear Yards:** There shall be a minimum rear yard of twenty-five (25) feet.

**407.4 Minimum Setbacks For Accessory Structures**
All accessory structures shall not be located closer than 5 feet to any property line.

**407.5 Height Limitations**
No structure shall exceed thirty-five (35) feet in height.

**407.6 Sign Regulations**

**407.61 Maximum Sign Area**
Within the I-1 zoning district, the maximum **total** sign area for any one business shall be one hundred and fifty (150) square feet. This maximum includes all sign area including both sides of a free standing sign.

**407.62 Maximum Sign Number and Location**
Within the I-1 zoning district, each commercial use may have up to three signs, which may include wall signs, roof signs, and free standing signs. Under no circumstances shall a sign be placed in the public right-of-way.

**407.63 Maximum Height of Free Standing Signs**
No free standing sign in the I-1 zoning district shall have a height of over twenty-five (25) feet.

**407.64 Sign Illumination**
All external lights shall be placed so as to illuminate only the sign itself and shall not shine on any adjacent property.

## 408 Planned Unit Development District (PUD)

**408.1 Purpose**
The purpose of the Planned Unit Development (PUD) is to achieve, to the greatest possible degree, land development which is responsive to the natural and environmental assets and liabilities of a given site. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD also allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

**408.2 General Requirements**

A PUD may be located in any area of Noble Township where the applicant can demonstrate that a proposed development would meet the purpose of this Article. The tract of land proposed to be developed as a PUD must be owned, leased, or controlled by one person or single entity, and must be at least 10 continuous acres in size.

**408.3 Permitted and Conditional Use**

A developer may propose to include any mixture of and use which are listed as being permitted or conditionally permitted in any zoning district (except for Industrial), with the following limitations: The proposed location of commercial use shall not have an adverse impact upon adjacent property or the public health, safety, and morals. Not more than thirty-five percent (35%) of the gross acres in a proposed development may be devoted to commercial use. Further, not more than twenty-five percent (25%) of the gross acres in a proposed development may be devoted to dwellings which are not detached single-family dwellings.

**408.4 Development Standards**

The following standards represent broad parameters under which all PUD developments must be designed:

**Central Water & Sewer Facilities:** All developments approved as a PUD must have central water and sewer facilities.

**Clustering Residential Development & Density:** Clustering residential development is encouraged to provide required common open space. Overall, the area devoted to residential land use shall have a maximum overall density of 3 dwelling units per acre of land (net acres, excluding roads). This overall density may however, be clustered in particular areas of the development to a level of up to 10 dwelling units per net acre in any given area, provided however, that no less than forty (40) percent of the site is devoted to useful and desirable common open space established to provide recreational opportunities and to preserve unique environmental features on the site. Any proposed land use which is not residential shall not count toward a calculation of allowable density or required open space.

**Maximum Impervious Surface:** For all areas proposed for residential use in the development, the amount of impervious surface proposed must not exceed fifty percent (50%) of the total developed residential area. For all areas proposed for commercial use in the development, the amount of impervious surface proposed must not exceed Seventy-five percent (75%) of the total commercial area. Impervious surfaces include but are not limited to, parking areas, loading areas, and roof tops.

**Development Layout and Design:** Specific residential density, as well as, the development intensity of non-residential use and the development design and layout shall be based on the applicant's ability to provide sufficient evidence to the Township Zoning Commission and the Township Trustees that the overall development demonstrates excellence in design by properly considering: significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land use, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.

**Front, Side & Rear Setback Standards for Perimeter Lots:** All lots which are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those which would normally be specified in the applicable conventional zoning district for the particular land use.

**Common Space:** A minimum of forty (40) percent of the gross acres developed in the PUD shall be reserved for common open space for the residents of the area. This required amount of common space shall be established as open space forever and provisions shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance, is subject to review and approval by the Noble Township Zoning Commission and Trustees. The Noble Township Zoning Commission, and/or Noble Township Trustees may require as a condition of final approval, any evidence deemed necessary to document the required common space will remain in its stated condition forever (including such legal documents as deed restrictions, conservation easements, etc.).

**Front, Side, and Rear Setback Standards for Interior Lots:** Within the PUD, the standards for setbacks shall be fully described in the proposed preliminary and final development plan submitted in accordance with the requirements of this Article.

**Off Street Parking and Loading Facilities:** For all land use located within the PUD, the Parking and Loading standards contained in Chapter 6 shall be applied.

**408.5 General PUD Approval Procedure**

The applicant for a PUD must submit both a preliminary plan and a final development plan. Property must also be rezoned to PUD and the decision to approve a final development plan and to rezone a property PUD are done concurrently. The final development plan, together with all conditions, stipulations, and requirements become the zoning requirements for that particular property. All development restrictions described in the final development plan and supporting documents become the official zoning requirements of the subject property.

**408.6 Preliminary Development Plan Submission**

The applicant shall submit ten (10) copies of a proposed preliminary plan to the Zoning Inspector along with the required application fee. The proposed preliminary development plan shall include the following:

Background Information

- Name and address and phone of the applicant.
- Name and address of the registered surveyor, engineer and/or landscape architect who prepared the plan.
- Legal description of the property.
- Description of the present use of the property.
- A statement of the conceptual overview of the development.
- A description of the proposed provision of utilities.
- A description of proposed ownership and maintenance of open spaces.
- A description of the expected timing of the development.
- A list of property owners within 500 feet of the proposed development.

Plan Drawing

- A vicinity map.

- A table showing the gross acreage devoted to various use.
- Location, type and density of development types.
- Conceptual drainage plan.
- Location of open spaces.
- Buffers between incompatible land use.
- Proposed street layout.
- Existing buildings, and any existing potential underground storage tanks.
- Overlay maps showing topography in 2 foot increments (derived from field survey or aerial photography), and soil types.

Additional Information and Fees

The Noble Township Zoning Commission may require additional information such as maps, data, or reports including environmental impact studies. The applicant shall be responsible for all reasonable expenses incurred by the Township in reviewing the preliminary and final development plans or any modifications thereof. Such expenses are in addition to the application fees established by the Noble Township Trustees and may include professional service fees; such as legal fees and the fees for the services of other professionals; such as geologists, landscape architects, planners, engineers, environmental scientists, or architects, incurred in connection with reviewing the plans and prepared reports. Following formal submission of a preliminary or final plan, the Township Zoning Inspector shall make an estimate of expected additional fees and charges required pursuant to this section, and shall receive said amount as a deposit prior to scheduling any hearing or other meeting to formally consider the application presented.

**408.7 Preliminary Plan Review**

Within thirty (30) days following the submission of the required information, a public hearing shall be scheduled on the proposed plan. Notice of this hearing shall be published in a newspaper of general circulation at least fifteen (15) days prior to such hearing. Notice of this hearing shall also be sent to all property owners within 500 feet of the proposed development.

**408.8 Criteria for Approval of a Preliminary Development Plan**

Within twenty (20) days following the public hearing referenced in Section 408.7 above, the Noble Township Zoning Commission shall act to approve, disapprove or conditionally approve the preliminary plan in accordance with the following criteria:

- That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements.
- That the use requested in the proposal is compatible with surrounding land usage.
- That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
- That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.

- That the arrangement of land use on the site properly considers topography, significant natural features, natural drainage patterns, views, and roadway access.

- That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.

- That the proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.

- That there are adequate buffers between incompatible land use.

- That the Noble Township Zoning Commission is satisfied that the developer possesses the requisite financial resources to begin the project within the required one year and complete the project within three years or within the phasing schedule.

**408.9 Effect of Approval of the Preliminary Development Plan**

The Noble Township Zoning Commission's approval of a preliminary plan will be considered an approval of the preliminary development plan in principle only. Approval of the preliminary plan does, therefore, not approve any development on the site nor shall it be construed to absolutely endorse a precise location of use, configuration of parcels, or engineering feasibility. Approval of the Preliminary Development Plan is necessary, however, before the applicant may submit a Final Development Plan to the Zoning Commission and Township Trustees for approval and rezoning to PUD.

**408.10 Final Plan**

The applicant shall submit ten (10) copies of the proposed Final Plan to the Township Zoning Inspector along with the required application fee. The final plan shall include the following:

All of the written information required for the preliminary plan application (See Section 408.6) revised as necessary and:

- The specific description of permitted, conditionally permitted and accessory use to be allowed in each area of the development.

- A copy of proposed deed restrictions.

In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:

- A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land use.

- The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelopes.

- Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.

- Landscaping plan for all buffers and other common areas.

- Architectural guidelines to apply throughout the development.

- The proposed names of all interior streets proposed for the development.
- Layout and dimensions of all parking and loading areas, along with an indication of what they are built to serve.

**408.11 Final Plan and Rezoning Approval Procedure Process**

The decision to rezone land to PUD and to approve the Final Plan are technically separate decisions. However, in order to provide for the efficient and timely processing of both the rezoning request and the request for Final Plan approval, all PUD final plan submittals are deemed to be an application for amendment to this Zoning Resolution in accordance with Chapter 11. All procedures (notices, public hearings, and final action by the Noble Township Trustees), therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such application to rezone the property in question to PUD, the Zoning Districts Map shall be amended to designate the project area as "PUD". Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in Chapter 11, all development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

**408.12 Criteria of Approval - Final Plan**

The Noble Township Zoning Commission and Noble Township Trustees shall review the proposed Final Plan in accordance with the following criteria:

- That the proposed development advances the general health, safety and morals of Noble Township.
- That the Noble Township Zoning Commission and Noble Township Trustees are satisfied that the developer possess the requisite financial resources to begin the project within the required one year and complete the project within three years or within the phasing schedule.
- That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
- That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements.
- That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential use proposed in the PUD.

# CHAPTER 5
# SUPPLEMENTARY DISTRICT REGULATIONS

**500 General**
The purpose of the supplementary district regulations is to set specific conditions for various use, classification of use, or areas where problems are frequently encountered.

**501 Required Trash Areas**
All commercial, industrial, and multi-family residential use which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the zoning inspector or deputy zoning inspector shall be required.

**502 Supplemental Yards and Height Regulations**
In addition to all yard regulations specified in the each zoning district, the following provisions shall be required in the indicated circumstances.

**502.1 Setback Requirements for Corner Buildings**
On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**502.2 Visibility at Intersections**
On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede, or restrict vision at a height of two and one-half (2 ½) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

**503 Buffering Requirements**
To secure a desirable transition between land in R-1, R-2 and R-3 zoning districts and land in C-1, C-2, and I-1 zoning districts, it is required that additional side or rear yard setbacks be provided along with landscaping to provide a visual screen. For parcels of land which are zoned C-1, C-2 or I-1, and which abut any property which is zoned R-1, R-2 or R-3, the required yard dimension for such yard in the C-1, C-2 or I-1 zoning district shall be increased three times and a landscaped buffer shall be provided on such commercial or industrial property in such side or rear yard. This landscaped buffer shall have plants of trees and/or shrubs which will have a minimum height of 4 and ½ feet within four (4) years and which will provide an opacity of 100 percent (100%) in the summer and 50 percent (50%) in the winter.

**504 Satellite Dish Antennas**
If three or more feet in diameter, no satellite dish antenna or other dish type signal receiving antennas, shall be constructed without a zoning permit, nor shall it be constructed in any front yard. Satellite dish antennas or other dish type signal receiving antennas, shall only be constructed toward the rear of a residence or principal structure and not within eight feet of any property line. The maximum diameter of any roof-mounted satellite dish shall not exceed three feet.

**505 Swimming Pools**
Swimming pools which are capable of holding water to a depth at any point of one and one half feet and have a total surface area of two hundred or more feet are considered accessory use which must meet the following requirements:

- The pool area together with any associated walks, or paved areas shall be located only in the rear of the principal structure and shall not be located closer than 20 feet to any side or rear property line.

- The pool and any associated walks, or paved areas shall be enclosed by a fence or wall no less than four feet in height and maintained in good condition with a lock. Such fences are required regardless of whether the pool is above ground.

**506 Home Occupations**

Where allowed in individual zoning districts where residences are permitted, a home occupation may be allowed provided that the following conditions are met:

- No more than two (2) people are employed in the home occupation other than residents of the home.

- There shall be no external evidence of the home occupation, except for a single non-illuminated sign, affixed to the residence or accessory building of no more than fifteen (15) square feet in total sign area.

**507 Oil and Natural Gas Drilling**

Pursuant to ORC 519.21, the drilling of oil or natural gas, production activities, or the location of associated facilities or equipment, when such oil or natural gas obtained by an industrial firm is used for the operation of its own plants, is not regulated by this Resolution.

**508 Quarrying**

Where permitted, quarrying operations must meet state regulations administered by the Ohio Department of Natural Resources as well as the following requirements:

- Fences shall be constructed around the boundary of the operation with a height of at least six (6) feet.

- All open pits shall have a slope which is no more steep than vertical without overhangs and excessive back breaks.

- Quarrying operations and activity shall be limited to between the hours of 6:00 am and 8:00 pm, local time.

- To guarantee the restoration, rehabilitation and reclamation of areas where mining has ceased, every new or expanded mining area shall provide a restoration and reclamation plan, along with a bond (or equivalent form of guarantee). This bond or equivalent guarantee shall be in an amount estimated to be sufficient to carry out the work at a point in time when the quarry is expected to cease operation. This estimate shall be produced by a third party deemed qualified and unbiased by the Noble Township Board of Zoning Appeals. Such a bond shall guarantee that all work involved in the reclamation plan will be done in a satisfactory manner. The reclamation plan shall be approved by the Board of Zoning Appeals upon approval of the conditional use. The bond or equivalent form of guarantee shall be reviewed by the Auglaize County Prosecutors Office for proper form.

**509 Ponds**

Ponds may be located on a parcel of at least two and one-half (2.5) acres. All excavated material must be removed, unless used for landscaping, within sixty (60) days of the initial excavation and all excavation shall be carried out in conformance with Ohio Department of Natural Resources Regulations. Ponds may not be located within any required front yard setback or forty (40) feet from any lot line. The forty (40) foot setback shall be measured from the high water mark of the pond. If there are landscape mounds in excess of four (4) feet in height, the toe of the slope must be a minimum of ten (10) feet from the property line. The construction of all ponds shall require a zoning permit.

510 **Outdoor Advertising**
Where permitted in a zoning district, outdoor advertising such as billboards, outdoor advertising displays, or other free standing outdoor advertising displays must meet the following requirements:

- Outdoor advertising signs, structures, or billboards of any size shall not be located within 100 feet of any street or road.
- Outdoor advertising signs, structures, or billboards shall not be located within 1,500 feet of another outdoor advertising sign, display or structure.
- Outdoor advertising signs, structures, or billboards shall not be permitted within 500 feet of any building or other structure, and shall meet all side and rear setback requirements for a principal structure in the zoning district in which it is located.

511 **Landscape Mounds**
The toe of the slope of any landscape mounds, in excess of four (4) feet in height, must be a minimum of ten (10) feet from any property line.

## CHAPTER 6
## OFF-STREET PARKING AND LOADING FACILITIES

**600 General Requirements**
No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

**601 Parking Space Dimensions**
A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and nineteen (19) feet in length for ninety (90) degree parking, ten (10) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen(19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

**602 Loading Space Requirements and Dimensions**
One off-street loading space shall be provided and maintained on the same lot for every use requiring delivery of goods and having a gross floor area of 5,000 square feet or more.

**603 Drainage**
All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**604 Screening and/or Landscaping**
Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purpose, by a designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition.

**605 Minimum Setback and Landscaping**
All parking lots shall be set back at least ten (10) feet from front, rear, and side lot boundaries.

**606 Parking Space Requirements**
For the purpose of this resolution, the following minimum parking space requirements shall apply:

| TYPE OF USE | MINIMUM PARKING SPACES REQUIRED |
|---|---|
| **Residential** | |
| 1. Single family or two family dwelling. | Two for each unit. |
| 2. Apartments, or multi-family dwellings. | Two for each unit. |
| 3. Boarding house, rooming house, dormitories and fraternity house which have sleeping rooms. | One for each sleeping room or two for each permanent occupant. |
| **Commercial** | |
| 1. Automobile service which also provide repair. | Two for each gasoline pump, garage and four for each service bay. |
| 2. Hotels, motels. | One per each sleeping room, plus one space for each two employees. |
| 3. Funeral parlors, mortuaries, and similar type use. | One for each 100 square feet of floor area in parlor. |
| **Business, Recreational, or Entertainment** | |
| 1. Dining rooms, restaurants, taverns, night clubs | One for each 200 square feet of floor area. |
| 2. Bowling alleys. | Four for each alley or lane plus one additional space for each 100 square feet of area used for restaurant, cocktail lounge, or similar use. |
| 3. Dance floors, skating rinks. | One for each 100 square feet of floor area used for the activity. |
| 4. Outdoor swimming pools, public or community or club. | One for each five persons capacity plus one for each four seats or one for each 30 square feet floor area used for seating purpose whichever is greater. |
| 5. Auditoriums, sport arenas, theaters, and similar use. | One for each four seats. |
| 6. Retail store. | One for each 250 square feet of floor area. |
| 7. Banks, financial institutions and similar use. | One for each 200 square feet of floor area. |
| 8. Offices, public or professional administration, or service building. | One for each 400 square feet of floor area. |

| | | |
|---|---|---|
| 9. | All other types of business or commercial use permitted in any business district. | One for each 300 square feet of floor area. |
| Institutional | | |
| 1. | Churches and other places of religious assembly. | One for each five seats. |
| 2. | Hospitals. | One for each bed. |
| 3. | Sanitariums, home for the aged, nursing homes, asylums, and similar use. | One for each two beds. |
| 4. | Medical and dental clinics. | One for every 200 square feet area of examination, treating room office, and waiting room. |
| 5. | Libraries, museums, and art galleries. | One for each 400 square feet of floor area. |
| Schools (Public, Parochial, or Private) | | |
| 1. | Elementary and junior high schools. | Two for each classroom and one for every eight seats in Auditorium or assembly halls. |
| 2. | High schools. | One for every ten students and one for each teacher and employee. |
| 3. | Business, technical, and trade schools. | One for each two students. |
| 4. | Colleges, universities. | One for each four students. |
| 5. | Kindergartens, child care centers, nursery schools, and similar use. | Two for each classroom, but less than six for the building. |
| Manufacturing | | |
| 1. | All types of manufacturing, storage, and wholesale use permitted an district. | One for every one employee (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business. |

**607 General Interpretation of this Chapter**

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

Parking spaces for other permitted or conditional use not listed in this article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the zoning inspector.

Fractional numbers shall be increased to the next whole number.

## CHAPTER 7
## NON-CONFORMITIES

**700 Establishment of Non-conformities**
Within the districts established by this Resolution or amendments that may later be adopted there exists lots, use of land, structures, and use of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments.

**701 Nonconforming Lots of Record**
In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this resolution.

**702 Continuance and Expansion of Non-Conforming Use of Land**
Where, at the time of adoption of this resolution, lawful use of land exist which would not be permitted by the regulations imposed by this resolution, the use may be continued and expanded while they remain otherwise lawful, and provided that any expansion meets all other development standards (setbacks, parking, etc.) and that such expansion does not involve expansion onto any lot or parcel that was not devoted to such nonconforming use at the effective date of this resolution or amendment thereto.

To document and establish the existence and extent of a non-conforming use, individuals who own, or otherwise have in interest in, uses that have become non-conforming, are encouraged to file a form with the Zoning Inspector describing the non-conforming use. Providing such documentation, with the concurrence of the Zoning Inspector, within 60 days after the effective date of amendments to this resolution, will provide evidence of prior lawful existence and validity of the use as having become non-conforming. If such a form is not provided to the Zoning Inspector, the property owner, or other interested party, may be required to provide other evidence to clearly document the lawful existence of the use before the effective date of this resolution.

**703 Continuance of Non-Conforming Structures**
Where a lawful structure exists at the effective date of adoption or amendment of this resolution
that could not be built under the terms of this resolution by reason of restriction on areas, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1) No such non-conforming structure may be enlarged in a way which increases its non-conformity, without prior approval from the Board of Zoning Appeals, but any structure or portion thereof may be altered to decrease its non-conformity. For example, without prior approval from the Board of Zoning Appeals, an existing building which has a side yard setback of 10 feet, and is located in a district where a 20 foot side setback is required, may not be enlarged so that the existing 10 foot side yard setback is reduced below 10 feet, or lengthened along that side yard.

2) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved, unless prior approval is granted by the Board of Zoning Appeals.

**704 Discontinuance of Non-Conforming Structures and/or Non-Conforming Uses**

Any non-conforming structure, non-conforming use, or non-conforming structure and use in combination, which is discontinued, destroyed, moved, or otherwise eliminated, for any reason, or act of God, may be re-constructed, re-built, re-instituted or other re-established, provided the following conditions are met:

1) A zoning permit is applied for and issued within two (2) years from the date that such non-conforming use or structure ceased to exist, and such rebuilding or re-establishment of use, is diligently pursed to completion.

2) Any restoration, reconstruction, or re-establishment of any structure or use shall not increase the degree of non-conformance or noncompliance with this resolution that existed previously.

**705 Repairs and Maintenance**

On any con-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming; shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a permit for such activities shall be required.

# CHAPTER 8
# ENFORCEMENT

**801 Zoning Inspector**
A Noble Township Zoning Inspector shall be appointed by the Noble Township Trustees, and he or she may receive such compensation and reimbursement of expenses as determined by the Township Trustees.

**802 Zoning Inspectors Bond**
In accordance with ORC 519.161, the Zoning Inspector shall provide a bond conditioned upon the faithful performance of his or her official duties.

**803 Zoning Inspectors Responsibilities**
The Noble Township Zoning Inspector shall have the following responsibilities:

- Review Applications for Zoning Permits.
- On-Site inspections.
- Investigation of Violations.
- Maintain records of zoning activity including non-conforming and conditional use.

**804 Zoning Permits Required**
No building or other structure, including temporary structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. There are 5 types of zoning permits as defined hereunder:

**804.1 Construction Permit**
Before any structure, as defined in this Resolution is built, erected, enlarged, or placed on a property, a construction permit is required. The Zoning Inspector shall issue such a construction permit when he or she is satisfied that according to the information submitted by the applicant, the proposed structure will conform with all requirements of this Resolution. Such permits shall be displayed on the subject property until construction is completed.

**804.2 Use Permit**
When the use of a property or structure changes, a use permit is required. The Zoning Inspector shall issue such a use permit when he or she is satisfied that, according to the information submitted by the applicant, such change of use does conform to the requirements of this Resolution.

**804.3 Conditional Use Permit**
As described in Section 1004 the Board of Zoning Appeals has the authority to issue a conditional use permit. Such permits authorize one particular use with or without specific conditions required by the Board of Zoning Appeals.

**804.4 Not Used**

**804.5 Sign Permit**
Before any sign, except those exempted in Section 317, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a sign permit is required.

**805 Application Forms**
The Noble Township Trustees shall approve application forms for all types of activities and procedures to be used by the Zoning Inspector, as well as the Board of Zoning Appeals and Zoning Commission. Nothing herein, or within the application forms themselves shall

preclude a requirement for an applicant providing additional information needed to determine if a proposed activity would be in conformance with this Resolution. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, three (3) copies of the application shall be submitted.

806 **Approval of Zoning Permit**
Within twenty (20) days after the receipt of an application, the zoning inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the site or plot plan shall be retained by the zoning inspector. The zoning inspector shall issue a placard upon payment of a fee as designated in a Resolution passed by the Noble Township Trustees.

807 **Expiration of Zoning Permit**
If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Prior to the expiration of any zoning permit or extension thereof, any person holding a valid zoning permit may apply for a six (6) month extension of said permit. A maximum of three (3) extensions may be granted.

808 **Penalties for Violation**
Violation of the provisions of this resolution or failure to comply with any of its requirements, including a failure to obtain a zoning permit, or violation of conditions and safeguards established in various sections of this resolution, or failure to comply with any of its requirements, shall cause the violator thereof to be fined not more than one hundred dollars ($100.00), and in addition, pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, may be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

809 **Schedule of Fees, Charges, and Expenses**
The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the office of the zoning inspector, and may be altered or amended only by the Board of Township Trustees. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be conducted until the requested deposit has been posted with Noble Township. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal and will receive a refund or billing for the difference between their deposit and the total costs.

## CHAPTER 9
## NOBLE TOWNSHIP ZONING COMMISSION

**900 Composition of the Township Zoning Commission**

The Noble Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township and who shall be appointed by the Board of Noble Township Trustees. 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 Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged, at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Members of the Zoning Commission may resign by written notice to the Board of Noble Township Trustees. Such vacancies shall be filled by the Board of Township Trustees for the remaining unexpired term.

**901 Organization**

The Township Zoning Commission may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executives and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a written record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses as the Board may approve and provide.

**902 Meetings**

Meetings of the Commission shall be held at the call of the Chairman, and at such other times as a majority of the Commission determines. All meetings of the Commission shall be open to the public and advertised in accordance with the Ohio Revised Code. The Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

**903 Duties of the Zoning Commission**

The Township Zoning Commission shall have the following duties:

-Initiate proposed amendments to this resolution.
-Consider and review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees.
-Review all Planned Unit Developments and makes recommendations to the Board of Township Trustees.

## CHAPTER 10
## NOBLE TOWNSHIP BOARD OF ZONING APPEALS

**1000 Noble Township Board of Zoning Appeals**

The Noble Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated areas of Noble Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. Members shall be removable for the same cause and in the same manner as provided by sections 519.04 of the ORC. Vacancies shall be filled by the township trustees for the unexpired terms. Members of the Board of Zoning Appeals may resign by written notice to the Board of Township Trustees.

**1001 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine after advertisement in accordance with the Ohio Revised Code. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the office of the Noble Township Trustees and be a public record.

A quorum to conduct a meeting shall consist of at least three (3) members of the Board of Zoning Appeals.

**1002 Powers of The Board of Zoning Appeals**

The Noble Township Board of Zoning Appeals may:

- 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

- Hear and decide upon requests to allow non-conforming uses (and any associated buildings) to be enlarged or increased, or extended to occupy a greater area of land, or to allow non-conforming uses to be moved in whole or in part to any portion of the lot. In considering such cases, the Board shall review the particular facts and circumstances in terms of the considerations that would normally apply to a conditional use (Section 1004).

- Hear and decide upon requests to enlarge, move or alter non-conforming structure in a way which increases its non-conformity. In considering such cases, the Board shall review the particular facts and circumstances in terms of the considerations that would normally apply top a variance request (Section 1005).

- 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.

- Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific use are provided for in this Resolution.

- Revoke an authorized variance or conditional zoning certificate previously granted, if any condition of the variance or certificate is violated. The board shall

notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this section and of his or her right to a hearing before the Board of Zoning Appeals, within thirty days of the mailing of the notice, if he so requests.

- Hear and decide upon all matters of interpretation of this Resolution. This includes interpretation of the text of this Resolution as well as the Zoning Map.

**1003 Rules, Organization and Meetings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board determines. The chairman, or in his absence the acting chairman, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and be a public record.

Appeals, applications for conditional use, or other relevant matters may be taken before the Board of Zoning Appeals with the submittal of forms to the Zoning Inspector. Any appeals of a decision made by the Zoning inspector must be made within twenty (20) days following the decision or interpretation of the zoning inspector.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, or other matter being brought before it, and shall give at least ten (10) days notice in writing to the parties in interest, and shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the area at least ten (10) days before the date of such hearing. The applicant shall also furnish the names and addresses of all property owners (including those across the road) which directly adjoin the property in question, and notices of the public hearing shall be mailed to those adjoining property owners ten (10) days prior to the hearing.

**1004 General Standards Applicable to Conditional Use**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following and shall find adequate evidence showing that such use at the proposed location:

- Is in fact a conditional use as established under the provisions of this Resolution.
- Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area.
- Will not be hazardous or disturbing to neighboring use.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, 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.
- Will not create excessive additional public cost for public facilities and services and therefore will not be detrimental to the economic welfare of the community.
- Will not involve use, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.

- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

- Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

- Will promote public health, safety, and morals.

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 808 of this resolution.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for a period of two (2) years.

**1005 General Standards Applicable to Variances**

The Board of Zoning Appeals shall hear requests for variances to allow a deviation from the strict application of the dimensional standards and requirements within a given zoning district. In no case shall the granting of a variance allow any type of change in use. The Board of Zoning Appeals shall only have the authority to hear and decide upon requests for variances from measurable development requirements such as yard dimensions, height limitations, lot sizes, number of parking spaces required, etc. Further, the Board of Zoning Appeals shall only grant variances when it finds that the following circumstances are true:

- That there are special or unique circumstances which are peculiar and unique to the land or structures involved which are not the result of actions of the applicant.

- That the strict application of the provisions of this Resolution would deprive the applicant of the rights commonly enjoyed by other properties in the same Zoning District.

- That the variance will not confer on the applicant any unique privileges that are not enjoyed by other property in the same zoning district.

- That the variance would represent the smallest departure necessary from the requirements of this Resolution necessary to permit the reasonable use of the property.

- That the variance will not affect the health, safety and welfare of the persons within the vicinity of the proposed variance.

# CHAPTER 11
# AMENDMENTS

**1100 Initiation of Zoning Amendments**

Amendments to this Resolution may involve an amendment of the text on this Resolution or the Zoning Map, and may be initiated in one of the following ways:

1) By adoption of a motion by the Zoning Commission.
2) By adoption of a resolution by the Board of Township Trustees.
3) By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

**1101 Applications/Fees for Amendments**

When an amendment is initiated by an owner or lessee of property within the area proposed to be affected by an amendment, an application shall be filed along with an application fee. The application form and the amount of the fee shall be specified by the Township Trustees in a separate Resolution.

**1102 Reference to Ohio Revised Code for Amendment of Zoning Resolution and Zoning Map**

This Resolution incorporates by reference Section 519.12 et. seq. of the Ohio Revised Code for the amendment of this Zoning Resolution and Zoning Map. Future amendments to the Ohio Revised Code will be automatically incorporated in and supersede requirements in this Resolution. For convenience, the following represents the required amendment procedure specified in relevant part of ORC 519.12 at the time of adoption of this Resolution:

**Amendments to zoning resolution; procedure; referendum.**

(A) Amendments 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 or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

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 publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

(B) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall

set forth the time, date, and place of the public hearing, and shall include all of the following:

(1) The name of the zoning commission that will be conducting the public hearing.

(2) A statement indicating that the motion resolution, or application is an amendment to the zoning resolution.

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list.

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.

(6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.

(7) Any other information requested by the zoning commission.

(8) A statement that after the conclusion of such hearing the maker will be submitted to the Board of Township Trustees for its action.

(D) If the proposed amendment alters the text of the zoning resolution, or rezone or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

(1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment.

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.

(4) The name of the person responsible for giving notice of the public hearing by publication.

(5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

(6) Any other information requested by the zoning commission.

(E) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed

amendment. The township zoning commission shall within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

(F) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

(1) The name of the board that will be conducting the public hearing.

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties as they appear on the county auditor's current tax list.

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.

(6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.

(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezone or redistricts more than ten (10) parcels of land as listed on the County auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

(1) The name of the board that will be conducting the public hearing on the proposed amendment.

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.

(4) The name of the person responsible for giving notice of the public hearing by publication.

(5) Any other information requested by the board.

(H) Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

Such amendment adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8%) per cent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code. The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here).....

A proposal to amend the zoning map of the unincorporated area of .....Township, ..... County, Ohio, adopted .....(date) ..... (followed by brief summary of the proposal).

To the Board of Township Trustees of ..... Township, ..... County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of ..... Township, included within the ..... Township Zoning Plan, equal to not less than eight (8%) per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the board of township trustees to submit this amendment of the zoning resolution to the electors of ..... Township residing within the unincorporated area of the township included in the ..... Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on ..... (date) ....., pursuant to section 519.12 of the Revised Code.

| Signature | Street Address or R.F.D | Township | Precinct | County | Date of Signing |
|---|---|---|---|---|---|
| ..... | | | | | |
| ..... | | | | | |

STATEMENT OF CIRCULATOR

..... (name of circulator) ..... declares under penalty of election falsification that he is an elector of the state of Ohio and resides at the address appearing below his signature..... hereto; that he is the circulator of the foregoing part petition containing ..... (number) ..... signatures; that he witnessed the affixing of every signature; that all signers were to the best of his knowledge and belief qualified to sign; and that every signature is to the best of his knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

.....
(City, village or township and zip code)

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH."

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the board of elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the board of elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters it shall take immediate effect.

Within five (5) working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission, if one exists.

The board shall file all amendments, including text and maps, that are in effect on January 1, 1992, in the office of the county recorder within thirty (30) working days after that date. The board shall also file duplicates of the same documents with the regional or county planning commission, if one exists, within the same period.

The failure to file any amendment, or any text and maps or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

## CHAPTER 12
## DEFINITIONS

**"ACCESSORY STRUCTURE"** is a structure such as a garage, storage shed, barn which is customarily incidental to, and subordinate to, a principal structure on a property.

**"ACCESSORY USE"** is a use customarily incidental and subordinate to the principle use of the building located on the same lot as the principle use or building.

**"ADULT ENTERTAINMENT BUSINESSES"** is an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined hereunder.

"Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

"Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen (15%) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

"Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes fifteen (15%) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

"Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

"Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, pornographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

"Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks.

"Nude or Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

"Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

"Sexual Activity" means sexual conduct or sexual contact, or both.

"Sexual Contact" means any touching of a erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

"Sexual Excitement" means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

**"ALTERATION"** as applied to a building or structure, is a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

**"BUFFERS"** are landscaped areas with no structures or facilities located thereon, provided to protect the integrity of residential property when abutted by non-residential land use and located totally within the confines of said non-residential use.

**"BUILDING HEIGHT"** is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the ridge of a gambrel roof.

**"DWELLING"** is any building or structure typically consisting of living rooms, dining rooms, bedrooms, closets, kitchens, and bathrooms, used by only one family. This definition includes industrialized units but does not include manufactured homes as defined herein, in terms of permitted uses in Zoning Districts.

**"DWELLING, ONE FAMILY"** is a building designed for, or occupied exclusively by, one family.

**"DWELLING, TWO FAMILY"** is a building designed for, converted or occupied exclusively by two families, living independently of each other.

**"DWELLING, MULTI-FAMILY"** is a building designed for, converted or occupied exclusively by three or more two families, living independently of each other.

**"FAMILY"** Is one (1) or more persons related by marriage/adoption or immediate blood relationship occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club fraternity or hotel.

**"FRONTAGE"** is the same as lot width defined herein.

**"GARAGE"** is an accessory building or part thereof accessory to a residential building, and providing for the storage of automobiles and related activities.

**"HOME OCCUPATION"** is any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purpose and does not change the character thereof.

**"INDUSTRIALIZED UNITS"** are an assembly of materials, components, or products comprising all or part of a structure, which when constructed, is self-sufficient and constitutes a dwelling unit, except for necessary preparations for its placement. Such units are also known as "pre-

engineered" or "pre-fabricated" dwellings, or modular or sectional dwellings. All industrialized units are assembled so as to be a permanent part of the land upon which the dwelling is located.

**"INOPERABLE MOTOR VEHICLE"** is a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, or engine, or transmission, or any substantial part thereof has been removed.

**"JUNK"** is old or scrap copper, brass, rope, rags, trash, batteries, paper, rubber, lumber, pipe, used building materials, roofing, old scrap iron, steel, or other ferrous or nonferrous materials which are not held for sale for remelting purpose by an establishment having facilities for processing these materials located in an appropriate business zone pursuant to this Resolution.

**"JUNK MOTOR VEHICLE"** is any motor vehicle that is: three years old or older; is extensively damaged, such damage including but not limited to missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of two hundred dollars or less.

**"JUNK YARD"** is the use of more than one hundred (100) square feet of the area of any lot, for the storage, keeping or abandonment of junk.

**"HISTORICAL MOTOR VEHICLE"** is any motor vehicle of the age of 25 years or more which, is defined pursuant to Ohio Revised Code Section 4501.01 (G) and eligible for a collector's license pursuant to Section 4503.45.

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

**"LOT"** is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings, or use customarily incidental to it, including such open spaces as are required by this Resolution.

**"LOT AREA"** is the total size of the lot in terms of square feet or acreage. Any easements of access or other property owned in less than fee simple ownership is not included in the computation of lot area.

**"LOT, CORNER"** is a lot at the point of intersection of two or more abutting intersecting streets.

**"LOT DEPTH"** is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot where the right-of-way is not established.

**"LOT INTERIOR"** is a lot other than a corner lot.

**"LOT LINES"** are the lines defining the limits of a lot.

**"LOT OF RECORD"** is a lot which is part of a subdivision, the plot of which has been recorded in the Office of the Recorder of Auglaize County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Auglaize County.

**"LOT WIDTH"** is the width of the lot at the front lot line, and is also referred to as frontage. Minimum lot widths must be maintained throughout the entire depth of the lot.

**"MANUFACTURED HOME"** is (as defined in ORC 4501.01) any non self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to the required utilities, including plumbing, heating, air conditioning, and electrical

systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

**"MANUFACTURED HOME PARK"** is any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purpose, and includes any roadway, building, structure, vehicle, or enclosure, used or intended for use as a part of the facilities of such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to a local government authority. A manufactured home park does not include any tract of land used solely for storage, display or sale of manufactured homes, or solely as a temporary park-camp.

**"MINI-STORAGE FACILITIES"** is a building or part thereof, other than a private garage, or parcel of land that is used for storage of motor vehicles, boats, private household goods, etc..

**"MINIMUM BUILDING SETBACK LINE"** is a line in the back of and parallel to, the street right-of-way line, at a distance from the street right-of-way line equal to the required minimum front yard depth in the zoning district in which it is located.

**"MOTEL"** is a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "Motel" includes buildings designed as tourist courts, motor courts, motels and similar structures which are designed as integrated units of individual rooms under common ownership.

**"NON-CONFORMING USE"** is a building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the use regulations of the district on which it is located.

**"CONVALESCENT HOME"** is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**"OPEN SPACE"** is an area of land which is in its natural state or is developed only for the raising of agricultural crops, lawns or gardens, or for public outdoor recreation (exclusive of active recreational activities such as tennis courts, ball fields, playgrounds, etc...).

**"PARKING"** is temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**"PRINCIPAL BUILDING OR STRUCTURE"** is the building housing the principal activity performed on any lot.

**"QUARRYING"** is defined as the removal of more than 100 cubic yards of stone for the sole purpose of sale, gift or barter.

**"RECREATIONAL VEHICLE PARK OR RECREATION CAMP"** is any tract of land upon which recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or transient dwelling purpose.

**"RECREATIONAL VEHICLE"** is (as defined in ORC 4501.01) a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation use and being classed as follows: (1) "Travel Trailer" is a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Revised Code; (2) "Motor Home" is a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping;

(3) "Truck Camper" is a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

**"REQUIRED YARD"** is the unoccupied space between a front, side or rear lot line and a principal structure on the same lot.

**"STORY HEIGHT"** is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

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

**"STRUCTURE"** is anything constructed or erected which requires location on the ground, including signs and billboards, but not including fences or walls used as fences.

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

**"YARD DEPTH, FRONT"** is the perpendicular distance between street right-of-way and the nearest portion of any principal structure existing or to be constructed. Where the street right-of-way is not established it shall be assumed to be fifty (50) feet.

**"YARD DEPTH, REAR"** is an open unoccupied space on the same lot with any principal structure between the rear line of the building and the rear line of the lot, and extending the full width of the lot.

**"YARD DEPTH, SIDE"** is an open unoccupied space on the same lot with any principal structure between the side lines of the building and the side lot line of the lot.

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# RESOLUTION

(Adopting Amendments/Revisions to the Noble Township Zoning Resolution)

WHEREAS the Zoning Commission of Noble Township has recommended the approval of amendment to the Noble Township Zoning Resolution; by redistricting 109.86 acres (permanent parcel #H23-022-030-00), 18.96 acres (permanent parcel #H23-022-004-00), 23.372 acres (permanent parcel # H23-015-007-04) and 54.740 acres (permanent parcel # H23-015-007-03), said parcels being located in the Sections 15 and 22 of Noble Township, Auglaize County, Ohio, from the Agricultural District (A-1) to the General Industrial District (I-1), and;

WHEREAS, the Noble Township Trustees set March 31, 2011, at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on March 18, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment, shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of Noble Township mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the Noble Township Board of Trustees held on April 14, 2011.

Steven Schamp, Fiscal Officer
Noble Township

# RESOLUTION

RESOLVED, that whereas amendments have been proposed by resolution of the Noble Township Board of Township Trustees to amend/revise the Noble Township Zoning Resolution; by redistricting 109.86 acres (permanent parcel #H23-022-030-00), 18.96 acres (permanent parcel #H23-022-004-00), 23.372 acres (permanent parcel # H23-015-007-04) and 54.740 acres (permanent parcel # H23-015-007-03), said parcels being located in the Sections 15 and 22 of Noble Township, Auglaize County, Ohio, from the Agricultural District (A-1) to the General Industrial District (I-1). A copy of said resolution with legal description being attached as Exhibit A, and

WHEREAS, a Public Hearing was held on Tuesday, March 08, 2011, at 7:00 p.m. in the Noble Township House, Noble Township, Ohio after publication in the St. Marys Evening Leader on February 23, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision is hereby adopted and the same is hereby ordered forwarded to the Noble Township Board of Trustees for further action.

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***CERTIFICATION***

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Noble Township Zoning Commission on March 8, 2011, following Public Hearing pertaining to the same.

Dated this 8th day of February 2011.

Chairman, Zoning Commission

RESOLUTION # 2011-01

February 16, 2011

In the matter of a resolution for a zoning amendment to rezone four parcels in Noble Township, Auglaize County from A-1 Agricultural to I-1 General Industrial.

Mr. Cook moved the adoption of the following resolution.

Whereas, the following (4) parcels are currently zoned Agricultural A-1 and are used for the purpose of quarrying, the Noble Township Board of Trustees have determined that these parcels should be rezoned to the proper designated zoning district of General Industrial I-1. These (4) parcels are owned by Calex and are identified by their Auglaize County parcel I.D. numbers as:

H23-022-030-00 -109.86 Acres
H23-022-004-00 - 18.96 Acres
H23-015-007-04 - 23.372 Acres
H23-015-007-03 - 54.740 Acres

Now be it resolved by the Township of Noble, State of Ohio, that the Noble Township Board of Trustees have determined that these (4) parcels should be rezoned to General Industrial I-1 and that a copy of this resolution be mailed to the Chairman of the Noble Township Zoning Board for their consideration.

Mr. Johns seconded the motion, and the vote was as follows:

| Trustee | Vote |
|---|---|
| [signature] | yes |
| Brian Cook | yes |
| James E. Johns | YES |

The foregoing is a true and accurate copy of a resolution adopted by Noble Township on February 16, 2011, and appearing on the official records of Noble Township.
Adopted this 16th day of February 2011

[signature]
Steve Schamp, Fiscal Officer
Noble Township Board of Trustees
05617 Lock 14 Road
St. Marys, Ohio 45885

# RESOLUTION

(Adopting Amendments/Revisions to the Noble Township Zoning Resolution)

WHEREAS the Zoning Commission of Noble Township has recommended the approval of amendment to the Noble Township Zoning Resolution; by redistricting 69.28 +/- acres of land located in the West Half of the Southeast Quarter of Section 15 of Noble Township, Auglaize County, Ohio, from the Agricultural District (A-1) to the General Industrial District (I-1), said parcel being Permanent Parcel #H23-015-008-03, and;

WHEREAS, the Noble Township Trustees set March 31, 2011, at 7:00 p.m. as a time for Public Hearing on the same, publication of which was made in the St. Marys Evening Leader on March 18, 2011; and

WHEREAS, a Public Hearing was held at the time and place described in said publication; and

WHEREAS, said recommendations were accepted by the Board of Township Trustees, by a unanimous vote of all members present;

THEREFORE BE IT RESOLVED that said amendment, a copy of which is attached hereto, be, and hereby is, adopted and that said amendment, shall become effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Fiscal Officer of Noble Township mail or deliver a copy of this Resolution, with attached amendments, to the Secretary of the Zoning Commission, the Secretary of the Board of Zoning Appeals, the Township Zoning Inspector, the Secretary of the Regional Planning Commission and record a copy with the Auglaize County Recorder's Office.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

The foregoing Resolution was duly adopted at the regular meeting of the Noble Township Board of Trustees held on April 14, 2011.

Steven Schamp, Fiscal Officer
Noble Township

# RESOLUTION

RESOLVED, that whereas amendments have been proposed to the Noble Township Zoning Commission by CONAG, Inc to amend/revise the Noble Township Zoning Resolution; by redistricting 69.28 +/- acres of land located in the West Half of the Southeast Quarter of Section 15 of Noble Township, Auglaize County, Ohio, from the Agricultural District (A-1) to the General Industrial District (I-1), said parcel being Permanent Parcel #H23-015-008-03. A copy of said proposed amendment/revision with legal description being attached as Exhibit A, and

WHEREAS, a Public Hearing was held on Tuesday, March 08, 2011, at 7:00 p.m. in the Noble Township House, Noble Township, Ohio after publication in the St. Marys Evening Leader on February 23, 2011.

WHEREAS, all the members of the Zoning Commission present took the matter under advisement and gave consideration.

Upon motion made, duly seconded, and passed, the amendment/revision is hereby adopted and the same is hereby ordered forwarded to the Noble Township Board of Trustees for further action.

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***CERTIFICATION***

The foregoing is a true copy of the Resolution made by motion, seconded, and duly passed by the Noble Township Zoning Commission on March 8, 2011, following Public Hearing pertaining to the same.

Dated this 8th day of February 2011.

Chairman, Zoning Commission

Exhibit A
(3 pages)

# PROPOSED AMENDMENTS
# TO THE
# NOBLE TOWNSHIP ZONING RESOLUTION

## *PROPOSED CHANGE OF CLASSIFICATION*

To redistrict/rezone the real estate described in the attached Exhibit "A" from its present classification of Agricultural District (A-1) to General Industrial District (I-1). Said property is currently owned by HDT Holdings, LLC, whose mailing address is 12600 Plattner Road, St. Marys, Ohio 45885.

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Instrument 201100000084 OR | Book Page 600 1051

EXHIBIT A (PPN: H23015000003)

Situate in the Township of Noble, County of Auglaize and State of Ohio, to-wit:

Being 69.28 acres of land located in the West half of the Southeast Quarter of Section 15, Noble Township, Auglaize County, Ohio, and described as follows:

Beginning at a point on the East-West half section line at the intersection of the North South quarter section line;

Thence South along the quarter section line and being the East line of the West half of the Southeast Quarter of Section 15 to a point where said quarter section line intersects the South line of Section 15;

Thence West along the South line of said section to the St. Marys River;

Thence in a northerly direction along the meanderings of the St. Marys River to a point where said River intersects the half section line of Section 15;

Thence East along the said half section line to the PLACE OF BEGINNING.

The foregoing real estate is also described as follows:

Situate in the Township of Noble, County of Auglaize and State of Ohio, to-wit;

Fractions Five (5) and Six (6) in the Subdivision of the East half of Section Fifteen (15), Town Five (5) South, Range Four (4) East, containing 69.28 acres of land, and bounded on the North by lands owned by John Schamp; on the East by land owned by John Schamp; on the South by lands belonging to the heirs of R.B. Gordon, Sr., deceased; and on the West by the St. Marys River, and being the same premises devised by Israel Johns to Azariah Johns by Will dated April 17, 1849, reference to which is here made.

**LESS AND EXCEPT** the following:
The following described tract of land is part of the Southeast Quarter of Section 15, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and is more particularly described as follows:

Commencing at an iron pin found at the Northeast corner of the Southeast Quarter of Section 15, Noble Township;

Thence with an assumed bearing of S. 89°53'08" W. along the North line of the Southeast Quarter of Section 15, a distance of 1,145.93 feet to an iron pin found;

Thence S. 00°06'27" W. a distance of 1,088.49 feet to an iron pin set, which is the PLACE OF BEGINNING for the tract of land herein described;

Thence continuing S. 00°06'27" W. a distance of 179.97 feet to an iron pin set;

Thence N. 72°31'13" W. along the centerline of an open ditch, a distance of 432.63 feet to a mag nail set in the centerline of County Road 66 A;

Thence N. 06°48'47" E. along the centerline of County Road 66 A, a distance of 174.78 feet to a mag nail set;

Thence S. 72°31'13" E. a distance of 401.23 feet to an iron pin set, passing thru an iron pin set for reference at 30.53 feet in the easterly right-of-way line of County Road 66-A, said iron pin was the true PLACE OF BEGINNING.

Containing in all 1.624 acres of which 0.120 acre has been dedicated for highway purposes. The above described tract of land is subject to all restrictions, easements, and reservations if any, on said premises. Previous Deed reference: Volume 228, Page 376. This plat is recorded in Survey Book "M", Page 441, in the Auglaize County Engineer's Office. Basis of bearing is the North line of the Southeast Quarter of Section 15 being assumed as S 89°53'08 W (taken from a previous survey found in Survey Book "K", Page 433). This plat and description is based on an actual field survey performed by me, John W. Jasnert in October, 2001.

APPROVED FOR TAX MAP PURPOSES ONLY
CO. ENGR'S OFFICE
DATE
BY

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Instrument Book Page
201100000084 OR 600 1052

**LESS AND EXCEPT the following:**
The following described tract of land is part of the Southeast Quarter of Section 15, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and is more particularly described as follows:

Commencing at an iron pin found at the Northeast corner of the Southeast Quarter of Section 15, Noble Township;

Thence with an assumed bearing of S. 89°53'08" W. along the North line of the Southeast Quarter of Section 15, a distance of 1,145.93 feet to an iron pin found;

Thence S. 00°06'27" W. a distance of 309.74 feet to an iron pin set, which is the PLACE OF BEGINNING for the tract of land herein described;

Thence continuing S. 00°06'27" W. a distance of 147.6 feet to an iron pin set;
Thence N. 89°16'28" E. a distance of 332.48 feet to a PK Nail set, passing thru an iron pin set for reference at 302.32 feet in the East right-of-way line of County Road 66-A;
Thence N. 05°08'15" E. along the centerline of County Road 66-A, a distance of 148.02 feet to a P.K. Nail set;
Thence N. 89°16'28" E. a distance of 319.50 feet to an iron pin, passing thru an iron pin set for reference at 30.16 feet in the East right-of-way line of County Road 66-A, which was the true PLACE OF BEGINNING.

Containing in all 1.101 acres of which 0.101 acre has been dedicated for highway purposes. The above described tract of land is subject to all legal easements, restrictions, and reservations, if any, of record or in use on said premises. Previous deed reference: Volume 228, Page 376. This plat is recorded in Survey Book "K", Page 433, in the Auglaize County Engineer's Office. Basis of bearing is the North line of the Southeast Quarter of Section 15 being assumed as S. 89°53'08 W.

**LESS AND EXCEPT the following:**
The following described tract of land is part of the Southeast Quarter of Section 15, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and is more particularly described as follows:

Commencing at an iron pin found at the Northeast corner of the Southeast Quarter of Section 15, Noble Township;
Thence with an assumed bearing of S. 89°53'08" W. along the North line of the Southeast Quarter of Section 15, a distance of 1,145.93 feet to an iron pin found, which is the PLACE OF BEGINNING for the tract of land herein described;
Thence S. 00°06'27" W. a distance of 309.74 feet to an iron pin set;
Thence S. 89°16'28" W. a distance of 319.50 feet to a PK Nail set, passing thru an iron pin set for reference at 289.34 feet in the East right-of-way line of County Road 66-A;
Thence N. 05°08'15" E. along the centerline of County Road 66-A, a distance of 95.90 feet to a P.K. Nail set at the P.C. of a curve having the following data: Delta = 11°58'34", Radius = 729.09 feet, L = 152.40 feet, T = 76.48 feet;

Thence along the curved centerline of County Road 66-A, along a curve to the right an arc distance of 152.40 feet, the chord of which bears N. 11°07'32" E., 152.12 feet, to a P.K. Nail set at the P.T.;

Thence N. 17°06'49" E. along the centerline of County Road 66-A, a distance of 72.07 feet to a P.K. Nail set;

Thence N. 89°53'08" E. along the North line of the Southeast Quarter of Section 15, a distance of 260.94 feet to the iron pin, passing thru an iron pin set for reference at 30.16 feet in the East right-of-way line of County Road 66-A, which was the true PLACE OF BEGINNING.

Containing in all 2.130 acres of which 0.226 acre has been dedicated for highway purposes. The above described tract of land is subject to all legal easements, restrictions, and reservations, if any, of record or in use on said premises. Previous deed reference: Volume 228, Page 376. This plat is recorded in Survey Book "K", Page 433, in the Auglaize County Engineer's Office. Basis of bearing is the North line of the Southeast Quarter of Section 15 being assumed as S.89°53'08 W.