

**WAYNE TOWNSHIP
NOBLE COUNTY
ZONING ORDINANCE
PASSED JUNE 2, 1992**

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AMENDED OCTOBER 2008

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CONTENTS

SECTION I - INTENT AND INTERPRETATION

1.01	TITLE	PAGE 1
1.02	PURPOSE	PAGE 1
1.03	INTERPRETATION AND CONFLICT	PAGE 1
1.04	SEPARABILITY CLAUSE	PAGE 1
1.05	ADOPTION	PAGE 1

SECTION II - WAYNE TOWNSHIP MAP

WAYNE TOWNSHIP MAP - REVISED 2006

SECTION 111 - DEFINITIONS

DEFINITIONS	PAGE 2
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SECTION IV - USE DISTRICTS

4.01	A-1 RESTRICTED AGRICULTURAL DISTRICT	PAGE 10
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SECTION V - NONCONFORMING USES

5.01	INTENT	PAGE 16
5.02	GRACE PERIOD	PAGE 16
5.03	CONFORMANCE REQUIRED	PAGE 16
5.04	NONCONFORMING STRUCTURES	PAGE 17
5.05	NONCONFORMING USES	PAGE 18
5.06	SUBSTITUTION OR EXTENSION	PAGE 18
5.07	DISCONTINUANCE	PAGE 19
5.08	REPAIR AND MAINTENANCE	PAGE 19

SECTION VI - ADMINISTRATIVE BODIES AND RESPONSIBILITIES

6.01	ZONING INSPECTOR	PAGE 20
6.02	TOWNSHIP RURAL ZONING COMMISSION	PAGE 20
6.03	BOARD OF ZONING APPEALS	PAGE 22

SECTION VII - ADMINISTRATIVE PROCEDURES

7.01	PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES	PAGE 25
7.02	PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES	PAGE 31

SECTION VIII - ENFORCEMENTS, PENALTIES, AND FEES

8.01	ZONING INSPECTOR	PAGE 36
8.02	ZONING PERMITS REQUIRED	PAGE 37
8.03	APPLICATIONS FOR ZONING PERMIT	PAGE 37
8.04	APPROVAL OF ZONING PERMIT	PAGE 38
8.05	EXPIRATION OF ZONING PERMIT	PAGE 38
8.06	VIOLATION	PAGE 39
8.07	SCHEDULE OF FEES, CHARGES, AND EXPENSES	PAGE 40

SECTION I

INTENT AND INTERPRETATION

1.01 TITLE.

This resolution shall be known and may be cited as the "Zoning Resolution of Wayne Township, Noble County, Ohio".

1.02 PURPOSE.

This resolution is enacted for the purpose of promoting public health, safety, and morals, all in accordance with a comprehensive plan as permitted by the provisions of Section 519.02 et. seq. of the Ohio Revised Code.

1.03 INTERPRETATION AND CONFLICT

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. It is not intended by this resolution to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this resolution. When two (2) specific provisions of this resolution conflict, or a provision of this resolution conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall apply.

1.04 SEPARABILITY CLAUSE.

The invalidation of any clause, sentence, paragraph or section of this resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this resolution either in whole or in part.

1.05 ADOPTION.

This resolution shall become effective upon certification by the Board of Elections that the resolution was approved as set forth in Section 519.11 of the Ohio Revised Code. Upon adoption of this resolution all/or any previous zoning resolutions now in effect shall be deemed to be repealed.

SECTION III

DEFINITIONS

ACREAGE - Any tract or parcel of land which has not been subdivided and/or platted.

ACCESSORY USE OR STRUCTURE - Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as sheds, garages, porches, decks, and swimming pools. Except as otherwise required in this Ordinance (Resolution), an accessory use shall be a permitted use.

ADULT ENTERTAINMENT BUSINESS - means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

A. ADULT BOOK STORE - means an establishment which utilizes fifteen (15) percent 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.

B. 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.

- C. 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, presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- D. 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.
- E. ADULT MATERIAL means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, CD, DVD, Internet and other tangible thing, or any service capable of arousing interest through sight, sound or touch, and:
- 1) 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
 - 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination.

- F. BOTTOMLESS means less than full opaque covering of male or female genitals, pubic area or buttocks.
- G. 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.
- H. 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.
- I. SEXUAL ACTIVITY means sexual conduct or sexual contact, or both.
- J. SEXUAL CONTACT means any touching of an 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 sexual arousing or gratifying either person.
- K. SEXUAL EXCITEMENT means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

AGRICULTURE - The use of land for agricultural and forestry purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silviculture, and animal and poultry husbandry, and the necessary accessory used for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural and silvicultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

BUILDING AREA - The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been met.

BUILDING - Building means a combination of materials to form a construction that is safe and stable, and

adapted to permanent or continuous occupancy for public, institutional, residential business, or industrial purpose.

BUILDING. HEIGHT OF - The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

CAMPER - See "Recreational Vehicles"

CAMPING TRAILERS - See "Recreational Vehicles"

CERTIFICATE OF OCCUPANCY - A document issued by the Zoning Inspector which indicates that buildings, structures, or uses are consistent with this ordinance.

CORNER LOT - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.

DISTRICT - A portion of the territory of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

DWELLING - Any building or structure (except a mobile home as defined by Ohio Revised Code 4501.01, or a tent, or a room in a hotel/motel) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT - Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, SINGLE FAMILY DETACHED - A dwelling consisting of a single dwelling unit only, separated from

other dwelling units by open space.

DWELLING, TWO-FAMILY - A dwelling consisting of two (2) dwelling units which may be either attached side by side or one (1) above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY - A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements or entrances and party walls.

FAMILY - A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit.

GARAGE PRIVATE - A detached accessory building or a portion of the principal building used only for the storage of self-propelled vehicles and incidental residential storage.

HOUSE TRAILER - See "Mobile Home"

LOT - A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and used accessory thereto, together with the open space as required by this ordinance and having frontage on a public street. Thus, the lot boundary may or may not coincide with the boundary of a lot of record.

LOT AREA - The computed area contained within the lot lines.

LOT, DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT LINES - The property lines bounding the lot.

LOT, WIDTH - The mean width of the lot measured at right angles to its depth.

MOBILE HOME - Any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks or other temporary

foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways.

NONCONFORMING USE - A building, structure, or premises legally existing and/or in use at the time of adoption of this ordinance or any amendment thereto, and which does not conform with the use regulations of the district in which located.

OWNER - Owner of record according to records contained in the County Offices.

PRIMARY STREET OR ROADWAY - The road with the most traffic or a state route which is primary to a county or township road.

RECREATION CAMP - An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations. "Recreation camp" does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles.

RECREATION FACILITIES - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE

A. "Self-Contained Recreational Vehicle" means a recreational vehicle which can operate independent of connections to sewer and water and has plumbing fixtures or appliances connected to sewage holding tanks located within the vehicle.

B. "Dependent Recreational Vehicle" means a recreational vehicle other than a self-contained recreational vehicle.

SECONDARY STREET OR ROAD - The least traveled street or Road which connects or crosses a Primary Road or street.

SETBACK LINE - A line established by the Zoning Ordinance (Resolution), defining the limits of a lot or Tract in which no building or structure may be Located above ground.

STREET - A public right of way which provides a public means of access to abutting property. The term street shall include thoroughfare, or any other similar term. A major street shall be a street so designated on the approved Noble County Highway Department map.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

STRUCTURAL ALTERATION - Any change in the structural members of a building, such as walls, floors, columns, beams, or girders.

TRACT - A specified area or parcel of land with or without frontage on a public right of way.

YARD, FRONT - An open space extending the full width of lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.

YARD, REAR - An open space extending the full width of a lot between a building and the rear lot alone, unoccupied and unobstructed from the ground upward except as hereinafter specified.

ZONING INSPECTOR - The Zoning Inspector or his/her authorized representative, appointed by the Township Trustees.

ZONING CERTIFICATE - A document issued by the Zoning Inspector authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of this resolution.

SECTION IV

USE DISTRICTS

4.01 A-1 RESTRICTED AGRICULTURAL DISTRICT.

4.011 INTENT.

It is the intent of the A-1 Restricted Agricultural District to provide large tracts of land for present agricultural activity and to promote public health, safety and welfare of Wayne Township.

4.012 PRINCIPAL PERMITTED USES.

A building or lot in the A-1 District shall be used only for the following purposes:

A. Agricultural and the usual agricultural buildings and structures.

B. Single-family detached dwellings.

1. Size of the ground floor of the dwelling shall be a minimum of six hundred (600) square feet exclusive of open or screened porches or decks with a permanent foundation. This specifically does not disallow split-level construction.
2. The setback line to any part of the house and other buildings or structures, including open or screened porches or decks shall be fifty (50) feet from the apparent center of the street or road. (See description of street) Existing lots of less than two hundred (200) feet x two hundred (200) feet will be allowed a set-back line of thirty (30) feet as long as it does not create an unsafe situation and follows the Noble County and Wayne Township laws.
3. No buildings shall be placed less than seven (7) feet from side and rear property lines.
4. Each lot shall be equipped with a septic tank or similar sewage disposal unit to comply

with the Noble County Health Department.

5. Corner Lots shall have a set-back line of fifty (50) feet from the apparent center of the Primary Road and a set-back line of thirty (30) feet from the apparent center of the Secondary Road as long as it does not infringe upon the State, County, and Township public right of way or create a dangerous situation.

C. Mobile Homes.

All temporary or movable structures shall not be permitted except by approval of Wayne Township Board of Zoning Appeals. Mobile homes shall be permitted for use as dwellings subject to the following regulations:

1. Size to be minimum of six hundred (600) square feet exclusive of open or screened porches or decks.
2. The set back line to any part of the mobile home and other buildings, including open or screened porches or decks, shall be fifty (50) feet from the apparent center of the street or road. (See description of street) existing lots of less than two hundred (200) feet x two hundred (200) Feet will be allowed a set-back line of thirty (30) feet as long as it does not create an unsafe situation and follows the Noble County and Wayne Township laws.
3. No building shall be placed less than Seven (7) feet from side and rear property lines.
4. Each lot to be equipped with a septic tank or similar sewage disposal unit to comply with The Noble County Health Department Regulations.
5. Enlargement of existing structures are subject to the provisions of this resolution.
6. Each mobile home must be on a permanent foundation, anchored securely, and have a poured footer with pillars or block walls,

with wheels removed.

7. All mobile homes must be fully skirted.

- D. Private garage and/or parking space must be provided.
- E. Transformer stations, booster stations, sewage pumping stations, pressure regulating stations, and other utility stations when operating requirements necessitate.

4.013 PERMITTED ACCESSORY USES.

- A. Roadside stands, offering for sale only products owned by the owner of the premises.
- B. Kennels and animal hospitals for the raising, breeding, treatment, and boarding of dogs, or other small animals, provided that all buildings and outside runs be at least one hundred (100) feet from any other lot.
- C. Riding academies, provided that such buildings or stables shall be one hundred (100) feet from any other lot.
- D. Churches or other places of worship, Sunday school buildings and parish houses; provided that churches and other places of worship and Sunday school shall be located no less than one hundred (100) feet from any other lot.
- E. Public and parochial schools provided that no building intended for such use shall be located less than one hundred (100) feet from any other lot.
- F. Public parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools, provided that any principal building, tennis court, or swimming pool shall be located not less than one hundred (100) feet from any other lot.
- G. Radio, television, cell phone towers or other transmission tower or mast, and the usual accessory buildings, only after their height and location have been approved by the governmental agency charged with the responsibility for maintaining air

safety and provided there is a yard area with a radius equal to the height of the tower or mast.

H. Airports

- I. New cemeteries, including mausoleums and crematoriums, provided that any mausoleum or crematorium shall be a distance of at least one hundred (100) feet and burial sites at least ten (10) feet from any other lot, street, and highway lines, and provided further that any new cemetery shall contain an area of one (1) acre or more.
- J. Private swimming pools (above or below ground) to be used primarily for the enjoyment of the occupants of the property on which it is located as long as it is not constructed within the setback area.
- K. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- L. A structure for storage incidental to a permitted use.
- M. The keeping of animals and/or fowl as pets or for domestic use.
- N. Any business or occupation may be operated in Wayne Township as long as it conforms with all zoning ordinances.
- O. A child's playhouse or tree house.
- P. Statuaries, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, laundry drying equipment, walls, hedges, radio and television antennae, and satellite antennae.
- Q. Fallout shelters.
- R. No adult entertainment businesses shall be permitted in Wayne Twp.
- S. Recreation camps as described in ORC 373301-G are prohibited in Wayne Township.

4.014 LOT MEASUREMENTS: DEPTH TO WIDTH RATIO.

Any piece of ground being sold or created by division as a unit from a larger piece of ground must meet the following depth to width ratio. The remaining ground left by the division must also meet the following depth to width ratio.

1. In order to sell, create by division or transfer lots and tracts of twenty-five (25) acres or less, the width shall not be less than two hundred (200) feet.
2. In order to sell, create by division or transfer lots and tracts of twenty-five (25) acres or less, the depth shall not be less than two hundred (200) feet, and the depth cannot exceed two (2) times the width.
3. The transfer or sale of a lot or tract to contiguous lots or tracts cannot occur if the total depth of the lots and tracts together exceeds two (2) times the width and the lots or tracts together are twenty five (25) acres or less.
4. No real estate parcels or lots may be created or transferred within Wayne Township unless each such parcel or lot either (1) has frontage on a public roadway sufficient to allow safe ingress and egress onto such public roadway by vehicles without crossing other property, or (2) has appurtenant to the property lot and running with the ground, a permanent easement or right-of-way across any intervening property which will enable the owner of the lot to have and maintain independent and safe vehicular ingress from and egress to a public roadway. No parcel or lot shall be transferred to a third party without such means of ingress and Egress.

4.015 GENERAL PROVISIONS

- A. Septic Disposal Sites and solid waste disposal facilities shall not be permitted in Wayne Township.

- B. Only sludge approved by the Ohio EPA will be permitted to be applied to soil in Wayne Township.
- C. Recreational vehicles shall not be left unoccupied for a period of more than thirty (30) consecutive days except for the months of November, December, January, February, March and April.
- D. On lots of forty thousand (40,000) square feet or More in area, if more than one (1) single-family Detached dwelling, or mobile home is erected:
 - 1. No single-family detached dwelling, mobile home, or associated private garage shall be located closer than ten (10) feet to any other single family detached dwelling, mobile home, or private garage.
 - 2. The shape of the forty thousand (40,000) square feet of area on which single-family detached dwelling, or mobile home is erected, shall conform to the depth to width ratio as set forth in Section 4.014.
- E. Existing structures within the fifty (50) foot set-back area from the apparent center of the street may be repaired or remodeled or replaced on the same location, provided all other zoning requirements are met
- F. Lots and structures within the following platted and recorded subdivisions may be sold transferred or remodeled provided the requirements of the Subdivision and all zoning requirements of this Ordinance are met. The platted and recorded subdivisions are:
 - "A" - W.E. Rose Addition to Seneca Lake
 - "B" - Map of Churchman's Allotment
 - "C" - Millhone Allotment
 - "D" - Millhone Addition No. 2
 - "E" - Millhone Addition No. 3
 - "F" - Plat of Andes Acres Phase I
 - "G" - Briar-Hill Lake Estates No. 1
 - "H" Willard Lashley
 - "I" - Bate's Sue Linn & Sue Linn Acres Allotment
 - "J" - Plat of Kennonsburg
 - "K" - Plat of James D. & Betsey L. Ball (no formal maps available at this time)

"L"-Condo Mobile
"M" - Oak Grove Addition

G. Muskingum Watershed Conservancy District (M.W.C.D.) land is exempt from all zoning Requirements. However, any M.W.C.D. land that is Sold or transferred must conform to all zoning Requirements.

SECTION V

NONCONFORMING USES

5.01 INTENT.

Within the districts established by this resolution or amendments hereinafter adopted there exist lots, structures, and uses of land 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. It is the intent of this resolution to permit these nonconformities to continue until they are removed, but not to encourage their survival.

5.02 GRACE PERIOD.

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this resolution, upon which property the work of changing or remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this resolution, may be used for the nonconforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two and one half (2.5) years of the date of adoption of this resolution or amendment thereto making said use nonconforming.

5.03 CONFORMANCE REQUIRED.

No land or premises shall hereafter be used, and no structures shall be located except as specified for the district in which it is located.

5.04 NONCONFORMING STRUCTURES.

5.041 CONTINUATION.

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Subsections 5.042 through 5.044.

5.042 Enlargement, Repair, Alterations.

Any such structure described in Subsection 5.041 may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structures.

5.043 Damage or Destruction.

In the event that any such structure described in Subsection 5.041 is damaged or destroyed or demolished; by any means, it may be replaced to its original position with a Zoning Permit as long as there is no additional nonconformity. The owner must submit tangible proof of the original location before said structure was damaged, destroyed, or demolished. Restoration is to be actually begun no longer than one (1) year after the date of such destruction.

5.044 Moving.

No structure described in Subsection 5.041 shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located

after being moved.

5.05 NONCONFORMING USES.

5.051 Continuation.

Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the following subsections.

5.06 SUBSTITUTION OR EXTENSION.

5.061 A nonconforming use may be changed to another nonconforming use only by approval of the Board of Zoning Appeals, provided the Board must determine that any change of use will be no more detrimental to the neighborhood than the prior or existing use. Except as hereinafter specifically provided, no nonconforming use, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered.

5.062 A. The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged to an extent not exceeding twenty five (25) percent of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this resolution or at the time of its amendment making a use nonconforming. The Board shall not authorize any enlargement which would result in a violation of provisions of this resolution with respect to any adjoining premises.

B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.

- C. The Board may authorize the expansion of nonconforming uses of open space upon the land in ownership at the effective date of this resolution or the date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

5.07 DISCONTINUANCE

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been abandoned for a period of twelve(12) months.
- B. When the nonconforming use has been replaced by a conforming use.
- C. When it has been changed to another nonconforming use under permit from the Board of Zoning Appeals.

5.08 REPAIR AND MAINTENANCE

- A. Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing; provided however, that this paragraph shall not be deemed to authorize any violation of other subsections of these regulations.
- B. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of subsection 5.043) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

SECTION VI

ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

6.01 ZONING INSPECTOR.

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161, Ohio Revised Code. The duties shall be:

- A. Upon finding that any of the provisions of this resolution are being violated, he/she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
- B. Order discontinuance of illegal zoning uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this resolution to insure compliance with or to prevent violation(s) of this resolution. This includes the issuance of any permits and such administrative duties as are permissible under the law.

6.02 TOWNSHIP RURAL ZONING COMMISSION.

6.021 TOWNSHIP ZONING COMMISSION.

The Board of Township Trustees of any township proceeding under Section 519.01 to 519.99, inclusive, of the Ohio Revised Code shall create and establish a township zoning commission. The commission shall be composed of five (5) members

And one (1) alternate. The members and the alternate must reside in the unincorporated area of the township, be appointed by the board, and the terms of the regular members shall be of such length and so arranged that the term of one member will expire each year, but the term of the alternate shall be five (5) years. The alternate will attend each meeting and serve as a voting member when a regular Board Member is absent from the meeting.

Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board, 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 and shall be for the un-expired term.

6.022 PROCESS OF ZONING COMMISSION.

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at least once each calendar year at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. Therefore, a public notice of all meetings shall be given by at least one publication in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of each meeting. The Commission 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 action, all of which shall be a public

record and be immediately filed in the office of the Township Trustees.

6.023 DUTIES OF THE ZONING COMMISSION.

For the purpose of this resolution, the Commission shall have the following duties:

- A. Review all proposed amendments to this resolution in accordance with Section 7.01 and make recommendations to the Board of Township Trustees,
- B. Review all planned unit developments and make recommendations to the Board of Zoning Appeals.
- C. Review all proposed new zoning resolutions and make recommendations to the Board of Township Trustees.

6.03 BOARD OF ZONING APPEALS.

6.031 CREATION AND APPOINTMENT.

A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said board shall consist of five (5) members and one (1) alternate and all shall be appointed by the Board of Township Trustees. An alternate will serve five (5) years and attend each meeting and serve as a voting member when a regular Board Member is absent from said meeting. Every member shall be a legal resident of Wayne Township.

Regular Members shall be appointed for a term of five (5) years, except that the initial appointments shall be, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, one (1) for a term of five (5) years. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of Township Trustees for the un-expired term of the member. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or

other cause by the Board of Township Trustees, upon written charges being filed with the Board of Trustees, 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 the opportunity to be heard and answer such charges.

6.032 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall organize and adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings of the Board shall be held at the call of the chairperson at least once each calendar year and at such other times as the Board may determine. The Board of Zoning Appeals may administer oaths, and may compel the attendance of witnesses. All meetings of the Board shall be open to the public. Therefore, a public notice of all meetings shall be given by at least one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of each meeting. 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 a fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the township trustees and be a public record.

6.033 DUTIES OF THE BOARD OF ZONING APPEALS.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal was taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant

on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution.

For the purpose of this resolution, the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.
- B. To authorize such variance from the terms of this resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
- C. To grant conditional zoning permits as specified elsewhere in this resolution and under the conditions specified, and such additional safeguards as will uphold the intent of this resolution.
- D. To authorize the issuance of a zoning permit for planned unit development after recommendation thereon by the Zoning Commission if the Board finds the proposed planned unit development is consistent with the intent of this resolution.

6.034 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURT ON MATTERS OF APPEAL.

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding

questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 8.07 of this resolution.

SECTION VII

ADMINISTRATIVE PROCEDURES

7.01 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES.

This resolution may be amended by utilizing the procedure specified in Section 7.011 inclusive, of this resolution.

- 7.011** Whenever the public necessity, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendations thereon from the Township Zoning Commission and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.

7.012 INITIATION OF ZONING AMENDMENTS.

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

- A. By adoption of a resolution by the Board of Township Trustees.
- B. By adoption of a motion by the Township Zoning Commission.
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed or affected by said amendment.

7.013 CONTENTS OF RESOLUTION, MOTION OR APPLICATION.

The content of the resolution, motion or application shall include at minimum the following information as appropriate:

- A. Name, address, and phone number of the applicant or statement that this is a motion of the Zoning Commission or resolution of the Board of Township Trustees.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning and such other items as the Zoning Inspector may require.
- F. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the county auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
- G. A fee as established by the Board of Township Trustees.

7.014 TRANSMITTAL TO ZONING COMMISSION.

Immediately after the adoption of a resolution by the Board of Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

7.015 TRANSMITTAL TO REGIONAL PLANNING COMMISSION

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 Noble County Regional Planning Commission.

The County 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.

7.016 PUBLIC HEARING BY ZONING COMMISSION.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution or the filing of such application.

7.017 NOTICE OF PUBLIC HEARING.

Before holding the public hearing as required in Section 7.016, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

7.018 NOTICE OF PROPERTY OWNERS BY ZONING COMMISSION

7.0181 If the proposed amendment intends to rezone or redistrict ten 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 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 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 matter will be submitted to the Board of Township Trustees for its action.

7.0182 If the proposed amendment alters the text of the zoning resolution, or rezones 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.

7.019 RECOMMENDATION BY ZONING COMMISSION.

Within thirty (30) days after the public hearing required by Section 7.016, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

7.0191 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES.

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

7.0192 NOTICE OF PUBLIC HEARING.

Notice of the public hearing required in Section 7.0191 shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township affected. Said notice shall be published at least fifteen (15) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the

proposed amendment.

7.0193 NOTICE OF PROPERTY OWNERS BY BOARD OF TOWNSHIP TRUSTEES.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Clerk of the Board of Township Trustees, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.0192.

7.0194 ACTION BY BOARD OF TOWNSHIP TRUSTEES.

Within twenty (20) days after the public hearing required in Section 7.0181, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modified the recommendation of the Commission the unanimous vote of the Board of Township Trustees is required.

7.0195 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by the Board of Township Trustees shall become effective 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 qualified voters residing in the unincorporated area of the township or part

thereof included in the zoning plan equal to not less than eight (8) percent of the total votes 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 the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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.

7.02 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of Section 7.021 inclusive.

7.021 APPEALS.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any officer of the legislative authority of the Township affected by any decision of the Zoning Inspector.

7.022 An appeal shall stall all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

7.023 VARIANCE.

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest, but only in the case of exceptional conditions involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved but in no other case. However, no variances from the strict application of any provisions of this resolution shall be granted by the Board unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
- B. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.
- C. That the granting of the variance will be in harmony with the general purpose and intent of this resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity the Board, in determining its findings shall take into account the number of persons residing or working in such

buildings or upon such land and traffic conditions in the vicinity.

D. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent in nature as to make reasonable and practicable the formulation as a part of this code of general regulation for such condition or situation.

E. The variance will in no way change the use of the land.

**7.024 APPLICATION FOR VARIANCE AND APPEALS:
PROCEDURE.**

Any person owning or having an interest in property may file an application to obtain a variance or appeal a decision of the Zoning Inspector. An application for a variance or an appeal shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals.

7.025 CONTENTS OF APPLICATION.

The application for a variance or an appeal shall contain the following information:

A. Name, address, and phone number of the applicant.

B. Legal description of property.

C. Each application on an appeal shall refer to the specific provisions of this resolution.

D. Each application for variance shall set forth:

1. The use for which special exception is sought.

2. Details of the variance that is applied

for and the grounds on which it is claimed that the variance should be granted, as the case may be.

3. The application for variance must also be addressed to answering provisions (A), (B), (C), and (D), of Section 7.023.

7.026 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting an appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 8.06 (D) of this resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district.

7.027 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an **initial** appeal or variance from the Zoning Inspector or an applicant. An applicant or the applicant's attorney shall attend the meeting. The Board will dismiss, without hearing, an application if the applicant or the applicant's attorney does not attend. If the applicant or the applicant's attorney is not in attendance at a meeting, the Board may move to consider the case in those circumstances where a dismissal without hearing would constitute a hardship for the surrounding property owners or other interested individuals.

7.028 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 7.027, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place **and date** of the public hearing, and the nature of the proposed appeal or variance.

7.029 NOTICE OF PARTIES OF INTEREST.

Before holding the public hearing required in Section 7.027, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required notices published in newspapers as specified in Section 7.028. Parties of interest shall include owners of property contiguous to, and directly across the street from the property being considered.

7.0210 ADJOURNMENT OF HEARINGS.

Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

7.0211 DECISIONS OF THE BOARD OF ZONING APPEALS.

The Board shall decide all applications and appeals within sixty (60) days after

completion of the hearing thereon, and such decisions shall become effective upon certification of the Resolution of the Board . A certified copy of the Board's decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board by Resolution certifies its approval of any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new subsequent application or appeal may be filed subject to the same procedure as an original application or appeal. If a new subsequent application is filed within one (1) year of the date of the Board's decision the secretary shall not schedule any hearing until the Board has received the subsequent application or appeal and decided that there is new material, evidence, or facts to be heard by the Board.

SECTION VIII

ENFORCEMENT, PENALTIES, AND FEES

8.01 ZONING INSPECTOR.

It shall be the duty of the Zoning Inspector, as provided under Section 518.02 et. seq. of the Ohio Revised Code, to enforce this resolution in accordance with the administrative and other provisions of this resolution.

All officials and public employees of Wayne Township shall conform to the provisions of this resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this resolution. Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

8.02 ZONING PERMITS REQUIRED.

No buildings or other structure, excepting buildings or structures utilized primarily for agricultural purposes shall be erected or moved without a permit therefore issued by the Zoning Inspector. The Zoning Inspector shall not issue a permit that does not conform with the provisions of this resolution unless he receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, planned unit development, or mobile home park as provided by this resolution.

8.03 APPLICATION FOR ZONING PERMIT.

Three copies of an 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. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district.
- F. Plans and/or map in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and locations of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s).
- G. Alterations do not require a Building Permit, unless the alteration changes the outside dimensions of the dwelling or relocates the position of the dwelling. However, compliance can only be assured with a placard issued by the Zoning Inspector. Notification to the Inspector is recommended prior to beginning construction in order to avoid Noncompliance Violations which are punishable as provided in Section 8.06 (D) of this resolution.

H. Building heights.

I. Number of dwelling units.

J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.

8.04 APPROVAL OF ZONING PERMIT.

Within thirty (30) 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 one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One (1) copy of the plan, similarly marked, shall be retained by the Zoning Inspector. One (1) copy of the application shall be forwarded by the Zoning Inspector to the County Auditor. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the project is in conformance with the provisions of this resolution. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Noble County of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

8.05 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun in one (1) year 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 person affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 1/2) years 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 affected, 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.

8.06 VIOLATION.

- A. Failure to obtain a Zoning Permit shall be a violation of this resolution and punishable under Section 8.06 (D) of this resolution.
- B. Construction and use to be as provided in applications and permits.

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 8.06 (D) of this resolution.

- C. Complaints Regarding Violations.

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He/she shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by this resolution.

- D. Penalties for Violation.

Violation of the provisions of this resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this resolution) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, 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 violations.

8.07 SCHEDULE OF FEES, CHARGES, AND EXPENSES.

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, appeals, and other matters pertaining to this resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on an application.