

CHAPTER 109

Zoning Inspector; Certificates and Enforcement

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109.01 ZONING INSPECTOR CREATION AND DUTIES.

- (a) Creation. For the purpose of enforcing this Zoning Resolution, the Board of Township Trustees hereby establishes a system of zoning certificates. The enforcement of this Zoning Resolution is hereby delegated to the Zoning Inspector whose position shall be filled by such Board, together with such assistants as the Board deems necessary. The Board shall fix the term and compensation for such positions and approve the bond of the Zoning Inspector as provided by Ohio R. C. 519.161.
- (b) Duties. For the purpose of enforcing this Zoning Resolution, the Zoning Inspector shall have the following duties:
- (1) Provide zoning certificate applications or other zoning forms to applicants therefor.
 - (2) Receive, act upon, issue or revoke zoning certificates as authorized by this Zoning Resolution.
 - (3) Waive the requirement for any information he deems unnecessary to the type application or form being submitted.
 - (4) Keep and maintain an official record of all complaints and applications indicating the date received and all actions taken by the Zoning Inspector or Board of Zoning Appeals and the relative dates thereof.
 - (5) Receive notices of appeal, note the date of receipt and forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken, as provided by Ohio R. C. 519.15.
 - (6) Allow for public inspection of all official zoning records and provide copies thereof at a fee as set by the Board of Township Trustees.
 - (7) Receive and keep custody of all fees received, and deposit such with the Township Clerk, within twenty four (24) hours of receipt pursuant to Ohio R. C. 117.17.

- (8) Keep custody of all official zoning records, which he receives or takes action on under the duties imposed on him by this Zoning Resolution, and which shall be retained until disposal is authorized pursuant to Ohio R. C. 149.42.
- (9) Make inspections as he deems reasonably necessary to ensure conformance with this Zoning Resolution or to investigate complaints.
- (10) Upon finding any violation of this Zoning Resolution, notify in writing the person responsible for such violation and order the action necessary to correct such violation.
- (11) In writing, order the discontinuance of any work contrary to this Zoning Resolution or any illegal uses of land, buildings or structures, or order the removal of illegal buildings or structures or illegal additions or structural alterations.
- (12) Take any other action authorized by this Zoning Resolution to ensure compliance with or to prevent violations of this Zoning Resolution, including the institution of injunction, mandamus, abatement or any other appropriate action or proceeding authorized by Ohio R. C. 519.24.

109.02 RIGHT OF ENTRY AND INSPECTION.

- (a) The Zoning Inspector or any of his assistants may at any reasonable hour, enter any building, structure or premises within the Township to perform any duty imposed on him by this Zoning Resolution, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made.
- (b) No person shall refuse to permit lawful entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

109.03 ZONING CERTIFICATE REQUIRED; EXEMPTIONS.

- (a) Unless excepted as provided in this Zoning Resolution, no person within the Township without obtaining a zoning certificate therefor shall:
 - (1) Locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure.
 - (2) Establish a new use or change the use of any building, structure, land or premises, whether such use is permitted, accessory, conditional or nonconforming.
- (b) No zoning certificate shall be required for any building, structure, land or premises specifically exempted by this Zoning Resolution or Ohio R. C. 519.21, however compliance with all other provisions of this Zoning Resolution shall be

required for such exemptions as may be lawful. If provisions of the Ohio statutes exempt any person from obtaining a zoning certificate from the Township, such person shall, prior to commencing construction or operations, register with the Zoning Inspector and provide such information as may be necessary to substantiate the validity and legality of such exemption and so as to complete Township records.

- (c) No zoning certificate shall be issued unless the application and plans therefor fully comply with the provisions of this Zoning Resolution in effect at the time of filing the application, nor unless any necessary action or approval of the Board of Zoning Appeals is obtained in writing prior to issuance.

109.04 ZONING CERTIFICATE APPLICATION. **[ADOPTED 5/22/2000 - Z-2000-2]**

- (a) The application for a zoning certificate shall be signed and dated by the applicant who by subscribing thereto:
 - (1) Assumes the legal responsibility for the truth, correctness and accuracy of all information supplied on the application. An agent by signing on behalf of an owner subscribes that the owner also is aware and agrees to the truth, correctness and accuracy of all information supplied on the application.
 - (2) Agrees to inspection by the Zoning Inspector prior to commencing work, during work progress and within thirty days of completion.
 - (3) Understands that the certificate may be revoked for reasons as specified in this Zoning Resolution.

- (b) Zoning certificate applications shall be obtained from and filed with the Zoning Inspector who may waive the requirement for any information he deems unnecessary, and/or request additional information he deems necessary to the filing and approval thereof, except that the following minimum information shall be furnished:
 - (1) Name, address and phone number of the applicant and the property owner of record. Documentation as to authority to make application (eg. deed of record, power of attorney, lease, or purchase agreement).
 - (2) Address of the property and legal description as recorded with Geauga County Recorder.
 - (3) Current zoning district where subject property located and description of existing and proposed uses.
 - (4) Three (3) paper copies for residential and four (4) paper copies for non-residential buildings, structures, and uses and for principal buildings and structures only, one (1) 3.5" floppy diskette, compact disk or other suitable media in a digital format (.dxf or .dwg) of a scaled site or plot plan, scaled elevations and floor plans where required, all dimensions in feet, with north arrow, dated, and shall show the following: **[ADOPTED 10/23/2000 - Z-2000-5][ADOPTED 10/28/2002 - Z-2002-5]**
 - A. Property line dimensions and total acreage.
 - B. Proposed landscape development.
 - C. Dimensions, setback and height of existing buildings or structures, additions or structural alterations thereto.

- D. Dimensions, setback and height of proposed buildings or structures.
 - E. Total square footage by floor of proposed building or structure, or addition or structural alteration to existing buildings or structures.
 - F. Name and location of existing public and private roads adjacent to subject property.
 - G. Number of existing and proposed dwelling units, principal buildings or structures, and accessory buildings or structures.
 - H. Number, location and dimensions of existing and proposed off-street parking spaces and loading/unloading spaces.
 - I. Location and dimensions of existing and proposed easements.
- (5) For sign permits only, provide three (3) paper copies of a drawing to scale, all dimensions in feet, and dated, to show the following: **[ADOPTED 10/23/2000 - Z-2000-5]**
- A. Sign dimensions, height, area in square feet, method of illumination and content.
 - B. Sign location on the building, structure or land along with setback dimensions.
- (6) If deemed necessary by the Zoning Inspector, determination of actual property lines by registered survey at the expense of the applicant.

109.05 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION.

- (a) Upon receipt of an application for a zoning certificate or a conditional zoning certificate affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Township Trustees and Zoning Inspector by the Ohio Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of such centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director.
- (b) The Zoning Inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Zoning Inspector that he has purchased or has initiated proceedings to appropriate the land which is the subject of the application, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director notifies the Zoning Inspector that he has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall act upon the application in accordance with the provisions of this Zoning Resolution.

109.06 CERTIFICATE APPROVAL OR DENIAL.

- (a) The Zoning Inspector shall approve or deny the application for a zoning certificate within thirty (30) days of its submission. One copy of the submitted plans or drawings shall be signed and dated by the Zoning Inspector and returned to the applicant either as approved or disapproved and one copy shall be retained by the Zoning Inspector. Reasons for denial shall be in writing and the applicant shall be notified of his right to appeal within twenty (20) days after the decision.

- (b) Upon approval of an application, the Zoning Inspector shall sign, date and issue a zoning certificate conditioned that the applicant agrees the work or use shall be commenced within one (1) year of issuance and shall be completed within two (2) years of issuance. Conditional Zoning certificates shall not be transferable and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate.

A conditional zoning certificate for any of the uses provided herein shall be valid for an initial period of two (2) years from the date of issuance and thereafter for a period not to exceed five (5) years from the date of renewal. **[ADOPTED 10/23/2000 - Z-2000-5]**

- (c) A new certificate or renewal may be granted upon application for good cause and provided that the conditional use is in compliance with all of the conditions set forth in this resolution and such other conditions approved by the board of zoning appeals. Application for renewal of a conditional zoning certificate shall be made not less than sixty (60) days prior to the expiration of such certificate. The zoning inspector shall review all applications for renewal and the application shall be forwarded to the board of zoning appeals for review and a decision to grant or deny it. **[ADOPTED 10/23/2000 - Z-2000-5]**

109.07 CERTIFICATE REVOCATION.

- (a) A zoning certificate shall be revoked by the Zoning Inspector if:
 - (1) It has been issued in error or has been issued based on materially false information or misrepresentation.
 - (2) Construction or the use is not commenced within one (1) year of certificate issuance.
 - (3) Construction is not completed within two (2) years of certificate issuance and a new certificate, renewal or extension has not been obtained.
 - (4) The work or use is not being conducted in accordance with the approved application and plans.
 - (5) The owner or applicant has not complied with a corrective or abatement order from the Zoning Inspector for violation of this Zoning Resolution or failed to comply with conditions of this Zoning Resolution or the certificate when issued.

- (b) Written notice of revocation and reasons shall be signed and dated by the Zoning Inspector and sent to the applicant by certified mail (return receipt requested) and such notice shall be posted in a conspicuous place on the subject property. The applicant shall be notified of his right to appeal within twenty (20) days after the decision.
- (c) Notice of revocation shall contain a statement that all work or the use shall cease pending determination of an appeal or approval of an extension or new certificate.

109.08 SCHEDULE OF FEES.

The Board of Township Trustees shall by separate resolution establish a schedule of fees to be collected for inspections, legal advertising and other expenses involved in processing applications for zoning certificates, appeals, variances, conditional use permits, zoning amendments, plan approvals and all other matters pertaining to the administration and enforcement of this Zoning Resolution. The fee schedule shall be available from the Zoning Inspector or the office of the Board of Trustees. The schedule may only be changed by Board resolution. Until all applicable fees have been paid in full, no action shall be taken on any application or other matter requiring a fee.

109.09 VIOLATIONS.

- (a) No building or structure shall be located, relocated, erected, constructed, reconstructed, enlarged, changed or maintained, and no land, building or structure shall be used in violation of this Zoning Resolution or any amendment thereto.
- (b) No person shall commence any work or use requiring a zoning certificate or approval without first obtaining such certificate or approval, nor shall any person vary from the terms or conditions of issued certificates or authorized approvals, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.

109.10 COMPLAINTS REGARDING VIOLATIONS.

Whenever an alleged violation of this Zoning Resolution occurs, any person may file written complaint with the Zoning Inspector specifying the facts and nature of the violation. The Zoning Inspector shall date each complaint received, investigate such complaint without delay and take action thereon as provided in this Zoning Resolution. A written report of such complaint, findings and action taken shall be promptly forwarded to the Township Trustees.

109.99 PENALTY.

Whoever violates any provision of this Zoning Resolution shall, as provided by Ohio R. C. 519.23, be punished as provided in Ohio R. C. 519.99.