

## **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/she 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 Fiscal Officer, within twenty four (24) hours of receipt pursuant to Ohio R.C. 117.17. **[Z-2018-1 – Effective 12/26/2018]**
- (8) Keep custody of all official zoning records, which he/she receives or takes action on under the duties imposed on him/her by this Zoning Resolution, and which shall be retained until disposal is authorized pursuant to Ohio R. C. 149.42. **[Z-2018-1 – Effective 12/26/2018]**
- (9) Make inspections as he/she deems reasonably necessary to ensure conformance with this Zoning Resolution or to investigate complaints. **[Z-2018-1 – Effective 12/26/2018]**
- (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.
- (13) Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to O.R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this zoning resolution.
- (14) Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure compliance with the applicable provisions of this zoning resolution.

#### **109.02 RIGHT OF ENTRY AND INSPECTION.**

- (a) The Zoning Inspector or any of his/her assistants may at any reasonable hour, enter any building, structure or premises within the Township to perform any duty imposed on him/her 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. **[Z-2018-1 – Effective 12/26/2018]**
- (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, consult 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.**

- (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/she deems unnecessary, and/or request additional information he/she deems necessary to the filing and approval thereof. The zoning certificate application is in the Appendix of this resolution. The non-residential addendum is in the Appendix of this resolution.
- (c) Site Plan Review Procedure

As a part of an application for a zoning certificate, and at the sole discretion of the Zoning Inspector, the applicant shall follow the site plan review procedure set forth herein only for proposed principal permitted, conditional, or nonconforming buildings, structures, and uses on a lot pursuant to Section 109.03 within any Zoning District; provided, however, said procedure shall not apply to a proposed residential dwelling unit or an accessory building, structure, or use thereto.

(1) Step 1: Pre-application Conference

- (i) At his/her option, an applicant may meet with the Zoning Inspector and other departmental representatives of the township, as well as any other governmental agencies or departments as may be appropriate to discuss the initial concepts of the proposed site plan and general compliance with applicable provisions of this Zoning Resolution prior to the formal submission of an application for a zoning certificate.

- (ii) Discussion held during a pre-application conference with the Zoning Inspector and any representatives of the township, as well as any other governmental agencies or departments is not binding and does not constitute official assurances or representations that a site plan and zoning certificate may be approved.

(2) Step 2: Application

- (i) The applicant shall submit the review fee required as a part of an application for a zoning certificate, a completed zoning certificate application form, and six (6) copies of the site plan and a digital version of it to the Zoning Inspector. If fully completed, the Zoning Inspector shall stamp the date of receipt on the application and plan. The plan shall be drawn to scale and contain sufficient information as required by the application form to ensure compliance with this Zoning Resolution.
- (ii) A site plan shall include all of the elements set forth in the zoning certificate application form as well as the following components, if applicable as determined by the Zoning Inspector: a photometric plan (see Section 161.12), a Water Management and Sediment Control (WMSC) plan (see Chapter 159), and a signage plan (see Chapter 173). The Zoning Inspector may require additional information so as to ensure compliance with this resolution, including but not limited to, a traffic impact study to be prepared by a qualified traffic engineer.

(3) Step 3: Administrative Review

- (i) After determining that the zoning certificate application is fully complete, the Zoning Inspector shall transmit copies of the proposed site plan and the digital version of it within five (5) days to the following recipients, if applicable: Police Chief, Fire Department Chief, Service Director, and any other governmental agencies or departments as may be appropriate for review and comment. The recipients of the plan shall respond in writing to the Zoning Inspector within twenty (20) days after the date of transmittal concerning the following items listed below. If no response is received within twenty (20) days after the date of transmittal, then it shall be determined that no comments are to be submitted.

- a. Whether the proposed site plan complies with the applicable regulations and departmental or agency standards;
  - b. Whether the proposed site plan does not comply with the applicable regulations and departmental or agency standards and to identify where non-compliance exists by citing specific sections of the regulations or standards;
  - c. Whether the proposed site plan should be subject to any conditions, modifications, regulations or standards as noted by the respective recipients of the plan; or conditions, modifications or regulations as required by the Zoning Inspector that will ensure that the proposed building, structure, or use is in compliance with the applicable regulations set forth in this Zoning Resolution or that of the department or agency.
- (ii) The Zoning Inspector shall prepare his/her comments based upon the applicable provisions of this Zoning Resolution and compile the comments and recommendations from the recipients and complete a written staff report within thirty (30) days and forward it to the applicant.
- (iii) The applicant shall address and resubmit six (6) copies of the revised site plan and a digital version of it, taking into consideration the comments and recommendations in the staff report. Within thirty (30) days of receipt of the revised site plan, the Zoning Inspector, upon finding that all of the conditions, modifications, regulations, and standards in the staff report have been met, shall stamp, sign, and date the revised site plan approved and transmit a copy of it, along with the zoning certificate, to the applicant. Copies of the revised site plan, as approved, shall be transmitted by the Zoning Inspector to the affected recipients as a matter of information.

If a plan or revised plan does not comply based upon the applicable provisions of this Zoning Resolution, then it shall be returned to the applicant by the Zoning Inspector, and the conditions, modifications, regulations, and standards in the staff report that have not been met shall be cited in writing. An application for a zoning certificate shall not be deemed complete unless and until the revised site plan is in compliance with the staff report.

- (iv) If the Zoning Inspector has denied a fully completed application for a zoning certificate and the affected site plan, an application for an appeal for a variance or Zoning Inspector error may be completed and submitted by the appellant and considered by the Board of Zoning Appeals pursuant to Chapter 117 of this Zoning Resolution.

#### **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. **[Z-2000-5 – Effective 11/22/2000]**

- (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. **[Z-2000-5 – Effective 11/22/2000]**

<b>109.07 CERTIFICATE REVOCATION.</b>
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- (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. 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 a 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 within thirty (30) days and take action thereon as provided in this Zoning Resolution.

#### **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.