

**CHAPTER 4  
ADMINISTRATIVE PROCEDURES AND ENFORCEMENT**

**Section 400.00 Administrative Procedures and Enforcement**

**Section 400.01 Purpose**

This chapter sets forth the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

**Section 400.02 Submission of Application**

All applications for a Zoning Certificate, a Conditional Zoning Certificate, an Appeal, a Variance, or an Amendment to this Resolution shall be submitted to the Zoning Inspector. The Zoning Inspector will only accept and act upon an application that is complete and includes the proper application fee as established by the Township Trustees, per Section 406.00.

**Section 400.03 Special Studies and Costs**

When the Zoning Commission or Board of Zoning Appeals finds it necessary to obtain special studies, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

**Section 400.04 Zoning Certificates Required**

No land may be “changed in use” without a zoning certificate issued by the Zoning Inspector. No building or other structure shall be erected, moved, added to, demolished, altered, or established without a Zoning Certificate issued by the Zoning Inspector. The Township has two types of Zoning Certificates with applications and review procedures for each.

- A. A Zoning Certificate is required if the proposal is for a permitted use/structure. The Zoning Inspector shall proceed to conduct the application and plan review as further described in Section 401.00.
- B. A Conditional Zoning Certificate is required if the proposal is for a conditionally permitted use/structure. The Board of Zoning Appeals shall conduct the application and plan review as detailed in Section 402.00.

All Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding approval for an appeal, variance, or conditional use. Whenever the Zoning Inspector issues a Zoning Certificate a placard shall also be issued. The placard is to be posted in a conspicuous place on the subject property, attesting to the fact the planned activity is in conformance with the provisions of this Resolution.

**Section 400.05 Change in Use Determination**

For the purpose of determining if a Zoning Certificate is required, as specified in 400.04, a “change in use” shall be identified in the following manner:

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### A. Residential Uses

The residential use categories are: single-family, two-family, three-family, multi-family and rooming/boarded house. A “change in use” status will exist when a residential structure is converted from one use category to another.

### B. Commercial, Industrial and other Non-residential Uses

A “change in use” status will exist when:

1. The previous use of a structure, building, land or portion thereof has ceased and the new or converted use is not the same as that previous use; or
2. The existing use of a structure, building, land or portion thereof is proposed to be converted to a different use.

### **Section 400.06          Expiration of Any Type of Zoning Certificate**

- A. If work described in any Zoning Certificate, including change of use, has not begun within six (6) months from the date of issuance, the Zoning Certificate shall expire. Expiration dates shall be noted on the Zoning Certificates. For projects requiring construction, construction shall be considered begun when excavation and piers or footers of the structure included in the application have been completed.
- B. If the work described in any Zoning Certificate has not been substantially completed within two (2) years of the date of issuance, the certificate shall expire. Substantially completed requires that at a minimum the following items are completed: finished roof, windows installed, the siding or other exterior finish materials of the principal and accessory buildings/structures is completed and the final grade of the site is completed.
- C. The Zoning Inspector and the applicant may agree to an extension of time based on reasonable circumstances that precluded the applicant from beginning or substantially completing construction. The circumstances and facts must be submitted to the Zoning Inspector in writing. A schedule for completion of work shall be submitted. If such extension is granted, the Zoning Inspector shall notify the affected person(s) in writing of such extension and the time frame for completion of work.
- D. All proposed construction must be completed within two (2) years of issuance of any Zoning Certificate. Any construction not completed, as defined in Item B of Section 400.06, shall be considered abandoned and may be declared a nuisance and subject to resubmission to the certificate review process.

### **Section 400.07          Submission to the Director of Transportation**

As required by Ohio Revised Code, Section 5511.01, the Zoning Inspector shall give notice by certified mail to the Director of Ohio Department of Transportation (ODOT) before any Zoning Certificate or administrative review is approved concerning land in the following locations:

- A. Within 300 feet of the center line of a proposed new state highway or existing state highway

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for which changes are proposed;

- B. Within a radius of 500 feet from the point of intersection of said center line with any public road or highway.

The Township Zoning Inspector, Zoning Commission, or the Board of Zoning Appeals, shall not approve such request for 120 days from the date notice is received by the Director or during any extension of time that may be agreed to between the Director and the property owner.

If the Director notifies the Township that he shall proceed to acquire the land, then the responsible zoning authority shall not approve the zoning request. However, if the Director notifies the Township that the acquisition is not in the public interest or upon the expiration of the 120 day period or any extension of time agreed upon by the Director, then the local zoning authority shall proceed with the zoning request in accordance with the provisions of this Resolution.

### **Section 401.00          Zoning Certificates**

#### **Section 401.01          Purpose**

The purpose of this Section is to establish application and review procedures for the Zoning Inspector to determine compliance with the provisions of this Resolution for any permitted land use and/or building and structure. The review is intended to benefit both the applicant and the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials.
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impacts to one another, the site, the surrounding properties, and the community.
- C. Design Guidelines are listed in Chapter 13 to benefit and assist both the developer and the community to ensure that significant design elements are considered within the development.

#### **Section 401.02          Procedures for Filing an Application**

Any application for a Zoning Certificate shall be submitted in accordance with the provisions of this Section of the Resolution.

#### **Section 401.03          Application Requirements**

- A. Applications for Zoning Certificates shall be submitted on Township Zoning Certificate Application Forms.
- B. The application shall include the following items at a minimum:
  - 1. Name, address and phone number of the applicant and owner.
  - 2. The application shall be signed by the owner.

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3. The proposed number of bedrooms, dwelling units, occupants, employees, and other uses.
4. Copies of any approvals granted for uses and structures involved which required prior review and approval by the Board of Zoning Appeals.
5. Any other pertinent data as may be necessary to determine compliance with and provide for the enforcement of this Resolution, such as:
  - a. Sewage disposal permit issued by either the County Health Department, County Water Resources Department or EPA for improvements that require or may increase the volume of sewage disposal.
  - b. Driveway /road culvert permit from the agency or department, such as ODOT, County Engineer, or Township, with the authority to allow access onto the roadway for any proposed driveway.
  - c. Wetlands Disturbance Permit from the agency or department, such as the Army Corps of Engineers or the State of Ohio, with the authority to allow the disturbance of any wetland area.
  - d. Proof of compliance with the County's Flood Damage Prevention Regulations if site improvements are to be located within a Flood Hazard Area.
  - e. Water well permit from the County Health Department for wells, or a permit from the County Water Resources indicating a connection with the central water system.
6. One (1) copy of a plan of the parcel drawn accurately depicting the area to be built upon or utilized by the proposed structure(s)/land use. The plan need not be professionally drawn provided the plan is legible and drawn or sketched to a consistent scale. The plan shall include the following items at a minimum:
  - a. The location, dimensions, height, and the bulk of all structures to be erected and the land area to be utilized.
  - b. The intended use of all lands and structures.
  - c. The location of all existing structures and uses on the parcel.
  - d. The location of yards, open space, and parking spaces with the number of parking and loading spaces and dimensions as required by Chapter 9. All handicapped spaces shall be clearly identified.
  - e. Location and design of entrance and exit drives.
  - f. Location, names and existing widths of adjoining streets or highways.
  - g. Exact dimensions and locations of any proposed signage.
  - h. Lighting Plan showing the exact dimensions and locations of any proposed

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illuminated signage or area lighting (e.g. parking lot) along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare and not impair the visibility of neighbors and/or the safe movement of traffic on any street or highway.

- i. A plan showing how storm water and erosion will be managed and controlled on site. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems.
- j. Landscaping plan, including parking lot landscaping, in accordance with the requirements of Chapter 11.

### **Section 401.04      Review Procedures**

- A. The Zoning Inspector shall review the submitted application to determine compliance with all pertinent requirements of this Resolution.
- B. The Zoning Inspector may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- C. Within ten (10) days after the receipt of a completed application, the Zoning Inspector shall issue a Zoning Certificate if such application is in compliance with this Zoning Resolution. If the application does not comply with the requirements of this Resolution, the Zoning Inspector shall give notice of denial, stating the reasons in writing for such denial and cite the sections of this Zoning Resolution that the application would violate.
- D. The Zoning Inspector shall return a signed and dated copy of the plans to the applicant indicating either “approval” or “disapproval.” The Zoning Inspector shall retain a copy of the plans similarly marked for the official Township record.

### **Section 402.00      Conditional Zoning Certificates, Appeals and Variances**

#### **Section 402.01      Purpose**

The purpose of this section is to establish the review criteria and procedures for the Board of Zoning Appeals to evaluate conditionally permitted uses, appeals and variances in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials.
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause any negative impact to one another, the site, the surrounding properties, and the community.

#### **Section 402.02      Procedures for Filing an Application**

- A. An application for a Conditional Zoning Certificate, Appeal or Variance shall be submitted to

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the Zoning Inspector in accordance with the provisions of this Resolution.

- B. An application for a Conditional Zoning Certificate or a Variance may be filed at any time.
- C. An application for an Appeal may be filed by any person aggrieved or by any officer of the Township affected, or by any decision of the administrative officer within twenty (20) days of a decision by the Zoning Inspector or administrative official.
- D. Upon receipt of an application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals along with all documents constituting the full record.

### **Section 402.03          Application Requirements**

#### **A. Conditional Zoning Certificates**

- 1. Applications shall be submitted on Township Conditional Use Certificates Application Forms.
- 2. The application shall include the following items at a minimum:
  - a. A statement supported by substantiating evidence regarding the specifications listed in Chapter 7, Section 700.10.
  - b. Name and address of the owner(s) of record.
  - c. The application shall be signed by the owner.
  - d. A list of property owners adjoining and within 500 feet of the property lines of the subject property, as they appear on the County Auditor's current tax list and the mailing addresses of those owners.
  - e. Name and address of person and/or firm that prepared the plan(s) for the application.
  - f. Proposed density of units (for residential development).
  - g. A schedule for the proposed improvements of the site and buildings, including all proposed phases.
  - h. Any deed restrictions, protective covenants, and other legal instruments or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
  - i. One (1) copy of current tax map(s) of the subject property and surrounding area.
  - j. Zoning District of the subject property.
  - k. Description of existing use(s).
  - l. Description of the proposed use(s), including the proposed hours of operation and the

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expected day and night volume of patrons, deliveries and traffic volume (vehicles per day).

- m. Any other information required to determine full compliance with the zoning regulations.

### 3. Required Plans with the Application

All plans required in this Section shall be prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans.

- a. Six (6) copies of architectural plans for the development or modifications to existing structures, showing the following items:
  - 1. Exterior elevations.
  - 2. Building floor plans.
  - 3. Proposed exterior materials.
- b. Six (6) copies of the site plan which shall be drawn at a scale of not less than 1" = 100 feet for the development showing the following items:
  - 1. General vicinity map at a scale of 1" = 1,000 feet or 1" = 2,000 feet and shall show proposed development in relation to existing streets, subdivisions, landmarks and community facilities.
  - 2. Property boundary lines.
  - 3. Elevation contours at 2' intervals.
  - 4. Traffic and circulation plans.
  - 5. Adjacent streets and roads, widths of right of ways.
  - 6. Parking and loading areas including dimensions, locations and numbers of all parking and loading spaces.
  - 7. Proposed signage locations, height, dimensions and materials, including signs proposed to be painted on structures.
  - 8. Surface drainage and storm water retention and/or detention basins.
  - 9. All existing structures and uses.
  - 10. Existing wetlands, ponds, streams, springs, lakes, drainage channels and the directional flow of all watercourses.
  - 11. All areas subject to flooding or storm water overflow.

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12. Wooded areas, areas in agriculture, and any other special natural features other than in Section 402.03.A.3.b.10.
  13. Any proposed fences, screens, walls or other landscaping features and the design and materials to be used.
  14. Open spaces proposed, clearly delineated.
  15. Type and screening details for all waste disposal containers shall be shown.
  16. All existing and proposed public and private sidewalks, driveways, and paths.
4. Six (6) copies of the following plans (when applicable) which shall be drawn at a scale of not less than 1" = 100 feet for the development showing the following items:
- a. Landscaping plan, including parking lot landscaping, in accordance with the requirements of Chapter 11.
  - b. Utilities plan and location of existing utilities and easements.
  - c. Lighting Plan showing the exact dimensions and locations of any proposed illuminated signage or area lighting (e.g. parking lot) along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare and not impair the visibility of neighbors and/or the safe movement of traffic on any street or highway.
  - d. On-site vehicle and pedestrian circulation plan.
  - e. Final Grading Plan, if present elevation of the site is to be altered.
  - f. Storm Water Management and Erosion Control Plans. The applicant shall utilize "Best Management Practices" in the design and management of storm water and erosion/sediment control systems.

#### B. Appeals and Variances Applications

1. Applications shall be submitted on Township Zoning Appeal/Variance Application Forms.
2. The application shall include the following items at a minimum:
  - a. Name, address and phone number of applicant(s).
  - b. The application shall be signed by the owner.
  - c. Description or nature of the appeal or variance.
  - d. Legal description of the property accompanied by a copy of the most current Portage County Tax Map showing the subject property.



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- e. Narrative statements, maps and/or drawings establishing, substantiating the rationale for the appeal or variance request, the section(s) of this Resolution that the applicant requests to be varied.
- f. A list of property owners adjoining and within 500 feet of the property lines of the subject property, as they appear on the County Auditor's current tax map and the mailing addresses of those owners.

### Section 402.04 Basis of Determination

#### A. Conditional Zoning Certificates

The Board of Zoning Appeals shall review the application and find that the completion and operation of the proposed development or use shall satisfy the general standards and the specific standards pertinent to each proposed development or use. The Board of Zoning Appeals may also impose additional, written conditions and safeguards deemed necessary to insure that the intent or objectives of the general standards are and will be observed. The Board of Zoning Appeals shall review each proposed use using the following standards and shall find evidence that such use:

#### General Standards

1. Will be in accordance with the stated objectives of the Township Comprehensive Zoning and/or Land Use Plan.
2. Will be designed, constructed, operated and maintained so as to be harmonious in use and appropriate in appearance with the existing or intended character of the general vicinity and that such development or use will not change the essential character of the same area.
3. Will not be detrimental to land values in the general vicinity or in the community as a whole, giving due regard to the nature and condition of all neighboring land and building uses.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services, including, but not limited to, fire and police protection, water, sanitary sewer, storm sewer, schools, and roads; or that the appropriate governmental agencies will be able to provide adequately any such facilities and services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the township.
7. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to public health or safety by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or noise of any significant nature.
8. Will be in compliance with all applicable public laws, resolutions, regulations, and codes.

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9. Will have vehicular approaches designed so as not to interfere with pedestrian and vehicular traffic on surrounding public and private roads.
10. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of the township.
11. Development features shall be located so as to minimize the possibility of adverse impacts upon surrounding property and development.

### B. Appeals and Variances

Before an appeal or variance may be granted, the Board of Zoning Appeals shall find by a preponderance of reliable, probative, and substantial evidence submitted at the hearing, and only from such evidence that the applicable standards of this Resolution are or will be satisfied by the proposed development or use.

With respect to variance requests, the Board of Zoning Appeals may impose such additional, written, conditions on the proposed development or use as it deems to insure that the intent and objectives of this Resolution are and will be observed. The evaluation to grant a variance shall be based on the following standards and the Board of Zoning Appeals shall find that:

#### 1. Use Variance

- a. The variance is necessary due to special conditions.
- b. A literal enforcement of this Resolution will result in an actual unnecessary hardship to the applicant in the reasonable use of their property.
- c. If the use variance is granted, the spirit and intent of this Resolution will be observed and substantial justice done.
- d. The approval of the variance will not have an adverse impact on the immediate neighborhood, community land use, or be contrary to the Township's Comprehensive Land Use Plan.
- e. The hardship is not self created.
- f. The property owner did not purchase the property with the knowledge of the zoning restrictions on the use of the property.
- g. No use variance shall be granted where the proposed development or use would be contrary to a use prohibited under Chapter 6, Section 605.00 Dangerous/Objectionable/Prohibited Uses.

#### 2. Area Variance

On application for an area variance, the Board of Zoning Appeals shall review the evidence submitted at the hearing in light of the following standards:

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- a. Whether the property will yield a reasonable return or can there be a beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a substantial detriment as a result of the variance.
- d. Whether the variance would adversely affect the delivery of governmental services.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction.
- f. Whether the problem can be solved by some manner other than the granting of the variance.
- g. Whether the variance preserves the spirit and intent of the Zoning Resolution and substantial justice would be done by the granting of the variance.

#### **Section 402.05      Review Procedures**

- A. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of a complete application. A notice shall be publicized in at least one (1) newspaper of general circulation in the Township, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- B. A written notice of such hearing shall be mailed by first class mail to the parties in interest, at least ten (10) days before the date of the hearing. The notices shall contain the same information as required of notices published in newspapers as specified in Section 402.05.A.
- C. The Board of Zoning Appeals may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- D. The Board of Zoning Appeals shall take action within a reasonable time, but generally not more than thirty (30) days from the date of the initial public hearing. The Board of Zoning Appeals may continue any hearing. If the time and place of a continued hearing is publicly announced at the public hearing, then no further notice of the hearing shall be required.
- E. The decision of the Board of Zoning Appeals shall be announced at the public hearing. A certified copy of the Board of Zoning Appeals' decision shall be transmitted to the applicant and to the Zoning Inspector. Such decision shall be binding on the Zoning Inspector. The decision of the Board of Zoning Appeals shall include one of the following:
  1. Approve.
  2. Approve with conditions.
  3. Disapprove.

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4. A written agreement with the applicant to extend the review period. This agreement shall include the date the Board of Zoning Appeals must take action on the issue.
- F. No application which had been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Zoning Board of Appeals.
- G. Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to Ohio Revised Code, Chapter 2506. Such appeal shall not stay any enforcement action or proceeding on such decision appealed from, unless and until otherwise ordered by the Common Pleas Court.

### **Section 403.00          Planned Unit Development (PUD) Review Procedures**

#### **Section 403.01          Purpose**

The purpose of this section is to establish the review procedures for Planned Unit Development (PUD), as well as provide general site planning guidelines. This is to ensure that the elements required in this Resolution are in a PUD plan and that the design, location and relationship of all elements to one another, to the site and to abutting parcels, are appropriate to achieve the intent and goals of this Resolution.

#### **Section 403.02          Authority for Planned Unit Development Plan Review**

Planned Unit Developments are reviewed for approval by the Board of Zoning Appeals. This authority is derived from Ohio Revised Code Section 519.021. The Board of Zoning Appeals shall conduct a review for all Planned Unit Development plans to come before it, as set forth in this section and all applicable sections of this Zoning Resolution.

#### **Section 403.03          General Development Plan Application Requirements**

The applicant shall submit the General Development Plan application for the proposed PUD to the Zoning Inspector in accordance with the following:

##### **A. Submission of General Development Plan**

The applicant shall submit six (6) copies of the General Development Plan application materials and required fee to the Township Zoning Inspector. The application shall include documentation to ensure compliance with the standards and criteria set forth in this Section and all applicable sections of this Resolution to determine compliance with the PUD District requirements. The application and documentation shall include, but is not limited to the following:

1. Identification of existing site characteristics, including a general depiction of:
  - a. Boundaries of the area proposed for development, dimensions and total acreage.
  - b. Contour lines at vertical intervals of not more than ten (10) feet, highlighting ridges,

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- rock outcroppings and other significant topographical features.
- c. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and other water courses.
  - d. Existing soil classifications.
  - e. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
  - f. Delineation of existing drainage patterns on the property, existing wells and well sites.
  - g. Description of significant existing vegetation by type of species, health, quality, etc.
  - h. Existing buildings, structures and other significant manmade features on the site and within 200 feet of the project boundary.
  - i. Description of all structures and areas of known or potential historical significance.
  - j. Existing view sheds and identification of unique vistas.
2. The preliminary site plan shall be professionally drawn at a scale not less than 1" = 100', except that projects over 200 acres may be drawn at a scale of 1" = 200', and shall include:
- a. A summary table of the proposed development including the total acreage, the number and type of buildings and structures, as well as the density or intensity by type of building or structure (e.g. single-family residential, 2 dwelling units/acre, 1,500 square feet retail commercial, 400 square feet recreational pavilion, etc.), and restricted open space acreage.
  - b. A sketch layout of proposed lots, if any.
  - c. The location of the restricted and any proposed recreational facilities.
  - d. The location of all natural features to be conserved and any required setback areas.
  - e. The location of all natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
  - f. The general location of any public street right-of-ways, private roadways, and common easements used for accessibility.
  - g. The location of any proposed utility easements.
3. An outline of the method to perpetually preserve the restricted open space, which indicates:

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- a. The structure of the Association, if this is the mechanism to be used.
  - b. Membership requirements.
  - c. Financial responsibilities.
4. A description of the project's phasing including the phased construction of open space improvements.

### B. Review For Completeness

Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in Subsection A above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date and transmit it to the Board of Zoning Appeals.

### Section 403.04 Administrative Review of General Development Plan

- A. Once a complete General Development Plan application for a PUD has been properly filed, the Board of Zoning Appeals shall proceed as follows:
1. The Chairperson or his/her designee shall contact the applicant within fifteen (15) days and set a date for an initial meeting for an informal discussion of the proposed project.
  2. Set a date for subsequent meeting(s) (such as site walkover or further discussions on the plan) at the convenience of the Board of Zoning Appeals.
  3. All pertinent objectives, uses, requirements, guidelines, and standards shall be considered by the Board of Zoning Appeals in determining whether or not to grant approval of a given PUD Plan.
- B. The Board of Zoning Appeals must act upon the General Development Plan within sixty (60) days from the date the application was determined complete, or the parties may agree in writing to an extended review period. The Township Board of Zoning Appeals shall take action on the submitted General Development Plan by either:
1. Approving the General Development Plan as submitted; or
  2. Approving the General Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
  3. Deny approval of the General Development Plan.
- C. Approval of the General Development Plan shall:
1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street

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alignments.

2. Permit the applicant to proceed with detailed planning and engineering plans of the approved general development plan.
3. Provide the benchmark for the Township Board of Zoning Appeals to consider and approve amendments to the general development plan when the Township Board of Zoning Appeals determines that the amended plan is equal to or better than the approved general development plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

### D. Review of General Development Plan by Others

The Board of Zoning Appeals may cause special studies to be made or seek expert advice including local emergency services such as fire department or rescue squad. The cost of securing expert advice or studies shall be borne by the applicant.

The Board of Zoning Appeals may distribute the General Development Plan application to the following for review and comment:

1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health Department, the County Water Resource Department, and the Ohio EPA.
2. Other agencies that, at the discretion of the Board of Zoning Appeals, may have appropriate technical expertise.
3. Appropriate local township administrative officials, including the township's legal advisor.
4. Consultants retained by the Township.
5. All comments shall be returned to the Board of Zoning Appeals within thirty (30) days from the date distributed. However, if comments are not received within such 30-day period, the Board of Zoning Appeals is not precluded from proceeding to review and consider the application.

### Section 403.05 Final Development Plan Application Requirements

After a General Development Plan has been approved, an applicant shall submit for review and approval six (6) copies of a Final Development Plan. The Final Development Plan application and required fee shall be submitted to the Township Zoning Inspector. The Final Development Plan may be submitted either for the entire project or for each construction phase.

#### A. Submission Requirements

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The Final Development Plan shall include the following:

1. A site plan professionally drawn at a scale not less than 1" = 100' indicating:
  - a. Boundaries of the area proposed for development, accurate dimensions and total acreage.
  - b. The exact location and dimension of private streets, common drives, pedestrian easements, public street right-of-ways, etc.
  - c. Exact location of building footprints or envelopes within which each building unit is to be constructed, and lot lines with dimensions for which individual ownership is proposed.
  - d. Dimensions of building/unit spacing.
  - e. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones.
  - f. Designated restricted open space areas and a description of proposed open space improvements.
  - g. A grading plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.
  - h. A detailed landscaping plan for new landscaping, including entry features and signs.
  - i. The Declaration, Articles of Incorporation, and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
  - j. Conditions imposed by other regulatory agencies.

### 2. Review for Completeness

Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the required items. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date and transmit it to the Board of Zoning Appeals.

### **Section 403.06      Administrative Review of Final Development Plan**

- A. Once a complete Final Development Plan for a PUD application has been properly filed, the Board of Zoning Appeals shall proceed as follows:



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1. The Chairperson or his/her designee shall contact the applicant within fifteen (15) days and set a date for an initial meeting for an informal discussion of the proposed project.
  2. Set a date for subsequent meeting(s) at the convenience of the Board of Zoning Appeals.
  3. Distribute the Final Development Plan application to the Township's legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board's review.
  4. Review by the Township's Legal Advisor. The Township's legal advisor shall review the Declaration, Articles of Incorporation, and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Board of Zoning Appeals documenting that the above demonstrates full compliance with the requirements of this Chapter.
  5. All pertinent objectives, uses, requirements, guidelines, and standards shall be considered by the Board of Zoning Appeals in determining whether or not to grant approval of the Final Development Plan.
- B. The Board of Zoning Appeals must act upon the Final Development Plan within sixty (60) days from the date the application was determined complete, or the parties may agree in writing to an extended review period. The Board of Zoning Appeals shall take action on the submitted Final Development Plan by either:
1. Approving the Final Development Plan as submitted; or
  2. Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
  3. Deny approval of the Final Development Plan.
- C. Upon completion of a Final Development Plan that is acceptable and approved by the Board of Zoning Appeals the applicant shall be so notified by first class mail. If approval was granted under Section B.2, the applicant shall submit three (3) revised copies of the Final Development Plan professionally drawn to scale and other related documents. All revised materials shall be endorsed as required by these requirements. If approval was granted under Section B.1, then all required materials are already in the possession of the Board of Zoning Appeals.

The Board of Zoning Appeals Chairperson shall then sign each of the Final Development Plan copies and issue a Certificate of Approval as a statement of acceptance and approval by the Township. The signed copies of said approved Final Development Plan and the Certificate of Approval shall be distributed as follows: one (1) to the applicant, one (1) to the Zoning Inspector and one (1) to the Board of Zoning Appeals Secretary.

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- D. If the Final Development Plan is disapproved, the applicant shall be notified by first class mail with the reason(s) for disapproval. The plan may not be resubmitted to the Board of Zoning Appeals for one (1) year from the official decision, unless revisions are made to address the reasons for disapproval.
- E. The Zoning Inspector shall be responsible for monitoring compliance with the Final Development Plan as approved by the Board of Zoning Appeals.

### **Section 403.07 PUD Implementation Timing**

- A. The applicant shall obtain a Conditional Zoning Certificate from the Zoning Inspector within twelve (12) months from the date the Certificate of Approval was issued. Failure to obtain the Zoning Certificate shall cause the final approved PUD development plan to be invalid and the applicant must resubmit the PUD plan and application in conformity with the current Resolution.
- B. Road construction shall be completed for the initial phase of the PUD development within eighteen (18) months of the date the Certificate of Approval was issued.
- C. Applicant may request in writing for an extension of time from the Board of Zoning Appeals. The request shall include the reasons for the additional time required.

### **Section 403.08 Noncompliance with Regulations**

A PUD development plan found to be in violation of the requirements of this Resolution and/or any additional requirements as approved by the Board of Zoning Appeals shall be subject to action as described in Section 405.00.

### **Section 404.00 Amendments**

#### **Section 404.01 Purpose**

The purpose of this Section is to provide the Zoning Commission and the Township Trustees with the procedures to amend, supplement, or repeal these regulations and/or the boundaries of any zoning district or the classification of any property.

#### **Section 404.02 Initiation of Zoning Amendment**

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

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

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### **Section 404.03            Contents of Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:

- A. The name, address and phone number of the applicant.
- B. The nature of the proposed amendment.
- C. A statement of the reason for the proposed amendment.
- D. The present land use(s).
- E. The present Zoning District Classification.
- F. The proposed use(s).
- G. The proposed Zoning District Classification.
- H. A map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning district boundary lines and such other items as the Zoning Inspector may require.
- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where 10 or more parcels are to be rezoned.
- J. A statement on the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan.

### **Section 404.04            Zoning District Amendment Initiated by the Zoning Commission or Township Trustees**

Zoning District Amendments initiated by the Zoning Commission or Township Trustees shall include all items of Section 404.03.

### **Section 404.05            Zoning Text Amendments**

Amendments to modify or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include at least the following information:

- A. The proposed change including text to be added, changed, and /or deleted.
- B. A statement of the reason(s) for the proposed amendment.
- C. A statement explaining the ways in which the proposed amendment relates to the Township Comprehensive Land Use Plan.

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D. A statement explaining how the proposed text would result in an improved Zoning Resolution.

### **Section 404.06 Transmittal to the Zoning Commission**

Immediately after the adoption of a Trustee resolution or the filing of an application for an amendment, it shall be certified and transmitted to the Zoning Commission together with all documents relative to the amendment proposed.

### **Section 404.07 Submission to Regional Planning Commission**

Within five (5) days after the adoption of a motion, certification of a resolution, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and any maps pertaining to the amendment to the Portage County Regional Planning Commission (RPC).

The RPC shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

### **Section 404.08 Public Hearing by the Zoning Commission**

The Zoning Commission shall schedule a public hearing, after the adoption of their motion, the certification and transmittal of a resolution from the Board of Trustees, or the filing of an application, for a zoning amendment. Said hearing shall be not less than twenty (20) or more than forty (40) days from the date of adoption of such motion, certification of such resolution, or filing of such application.

### **Section 404.09 Notice of Public Hearing by First Class Mail**

Before holding a public hearing as required in Section 404.08, written notice of such hearing shall be given by the Zoning Commission; 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 notice of the hearing shall be by first class mail, mailed at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

The content of the notice shall be in accordance with the criteria listed in Section 404.10.A.

### **Section 404.10 Notice of Public Hearing by Newspaper**

Before holding the public hearing as required in Section 404.08, a notice of such hearing shall be given by the Zoning Commission and published in at least one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing as follows:

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- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Zoning Commission will be conducting the hearing.
  2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution.
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those 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 that property.
  5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the hearing.
  6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.
  7. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
  8. Any other information requested by the Zoning Commission.
- B. 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 include all of the following:
1. A statement indicating that the Zoning Commission will be conducting the 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 hearing.
  4. The name of the person responsible for giving notice of the hearing by publication.
  5. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
  6. Any other information requested by the Zoning Commission.

**Section 404.11 Recommendation by the Zoning Commission**

Within thirty (30) days after the public hearing, as required by Section 404.08, the Zoning Commission shall recommend to the Board of Township Trustees one of the following:

- A. The amendment be approved as requested.
- B. The amendment be approved with modifications.
- C. The amendment be denied.

The written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based, to include the basis for their determination and that the proposed amendment is or is not consistent with the Township Comprehensive Land Use Plan.

The Zoning Commission shall submit their recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the Portage County Regional Planning Commission to the Board of Township Trustees.

**Section 404.12 Public Hearing by the Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation from the Zoning Commission, the Board of Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Trustees, as follows.

- A. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
  - 1. A statement indicating that the Board of Township Trustees will be conducting the hearing.
  - 2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  - 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those 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 that property;
  - 5. The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the hearing;
  - 6. The name of the person responsible for giving notice of the hearing by publication, by

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mail, or by both publication and mail;

7. Any other information requested by the Board of Township Trustees.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten 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 include all of the following:
1. A statement indicating that the Board of Township Trustees will be conducting the 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 days prior to the hearing;
  4. The name of the person responsible for giving notice of the hearing by publication;
  5. Any other information requested by the Board of Township Trustees.

### **Section 404.13          Action by the Board of Trustees**

Within 20 days after the public hearing as required by Section 404.12, the Board of Township Trustees shall either:

- A. Adopt the recommendations of the Zoning Commission.
- B. Adopt the recommendations of the Zoning Commission with modifications.
- C. Deny the recommendations.
- D. In the event the Board of Trustees denies or modifies the recommendations of the Zoning Commission, the unanimous vote of the Board of Trustees is required.

### **Section 404.14          Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective within 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 vote cast for all candidates for Governor in such area at the most recent 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 that occurs at least seventy-five (75) days after the petition is filed.

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 are in favor of the amendment. Upon certification

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by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

### **Section 404.15 Filing of Amendments with County Recorder and Regional Planning Commission**

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the Office of the County Recorder and with the Regional Planning Commission. The failure to file any amendment, as required by this Section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

### **Section 405.00 Enforcement**

#### **Section 405.01 Complaints Regarding Violations**

The Zoning Inspector is responsible to investigate all violations or complaints of alleged violations of this Resolution. Any person may file a written complaint regarding a violation with the Zoning Inspector. The complaint shall state fully the cause and basis of the violation. The Zoning Inspector shall record the complaint and conduct an investigation within five (5) days of receiving the complaint. If a violation exists, the Zoning Inspector shall take action to resolve the violation as provided for in this Resolution.

#### **Section 405.02 Entry and Inspections of Property**

The Zoning Inspector is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor to secure a valid search warrant or other means prior to entry.

#### **Section 405.03 Notice of Violation**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as notice of a violation. Such notice shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution that are being violated.
- D. State that the violation shall be corrected in a timely manner as specified by the Zoning Inspector. The party in violation has up to thirty (30) days to correct the violation, unless an extension of time is agreed upon by the Zoning Inspector and the party in violation.



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### Section 405.04 Service of Notice of a Violation

Service of a notice of a violation shall be sent by certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with an endorsement that the envelope is unclaimed, then service shall be sent by ordinary mail. The service shall be deemed complete when the fact of mailing is entered into the record, provided the ordinary mail envelope is not returned by the postal authorities or the envelope is returned indicating delivery is unavailable.

### Section 405.05 Penalties/Fines

- A. No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used and no land shall be used in violation of this Resolution. Each day of continuation of any violation of this Resolution shall be deemed a separate offense.
- B. Whoever violates any provision of this Resolution or the Ohio Revised Code, Section 519.01- 519.25, inclusive, shall be fined not more than \$500.00 for each offense.
- C. If there are any violations of this Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such lawful location, erection, construction, reconstruction, enlargement, alteration or use.
- D. Starting construction before obtaining a Zoning Certificate will result in a double the usual amount of the fee as a penalty.

### Section 406.00 Schedule of Fees, Charges and Expenses

The Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, Conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Township Fiscal Officer and of the Zoning Inspector and may be altered or amended only by the Township Trustees by resolution. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

### Section 407.00 Special Costs

When the Zoning Commission or Board of Zoning Appeals finds it necessary to cause special studies to be made, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.