

**Article XII**

**ADMINISTRATION - ENFORCEMENT**

**1201 ZONING PERMITS**

**1201.01 ZONING PERMITS REQUIRED**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector that does not conform with the provisions of this Resolution unless he receives a written order from the Zoning Board of Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.

**1201.02 CONTENT OF APPLICATION FOR ZONING PERMIT**

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months and work shall be completed within two (2) years from the date on the permit. At a minimum, the application shall contain the following information:

- a. Name, address, and phone number of applicant.
- b. Legal description of property.
- c. Existing use.
- d. Proposed use.
- e. Zoning District.
- f. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.
- g. Building heights.
- h. Number of off-street parking spaces or loading berths.
- i. Number of dwelling units.
- j. Indicate the location of underground fuel tanks.

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

### **1201.03 APPROVAL OF ZONING PERMIT**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve, refer, or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One copy of plans, similarly marked shall be retained by the Zoning Inspector for follow-up inspections and the township file. The Zoning Inspector shall have his/her copy of the plans and permit available during any follow-up inspection(s) and the primary contractor or sub-contractors shall have a copy of the plans and permit available or obtainable for review from the original submitter or property owner in case questions arise concerning the use or alteration being in conformance with the provisions of this Resolution and any conditions falling outside the footprint of the original permit.

No alterations or additions expanding the original footprint or conditions of the permit after final approval shall be allowed. An additional permit for some addition or expansion needs to be applied for or a totally new permit needs to be issued with appropriate fees as required (reference Section 1206).

### **1201.04 SUBMISSION TO STATE HIGHWAY DIRECTOR**

Before any zoning permit issued 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 local officials by the State Highway Director or any land within a radius of five hundred (500) feet from a point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered certified mail to the Highway Director. The Zoning Inspector shall not issue a zoning permit for one hundred and twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue a zoning permit. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if application in in conformance with all provisions of this Resolution, issue the zoning permit.

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## **1201.05 EXPIRATION OF ZONING PERMIT**

If the work described in a zoning permit has not begun within six (6) months from the date of the issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been fully completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the person affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

## **1202 CERTIFICATE OF COMPLIANCE**

It shall be unlawful to use or occupy or permit the use or occupancy of any buildings or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that a follow-up inspection for the proposed use of the building or land conforms to the requirements of permits issued and this Resolution.

## **1203 TEMPORARY CERTIFICATE OF COMPLIANCE**

A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

## **1204 RECORD OF CERTIFICATES OF COMPLIANCE**

The Zoning Inspector shall maintain a record of all certificates of compliance.

## **1205 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF COMPLIANCE**

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this resolution and punishable under Section 1401 or this resolution.

## **1206 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES**

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement of construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 1401 of this resolution

**1207 COMPLAINTS REGARDING VIOLATIONS**

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

**1208 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

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

**1209 ZONING AMENDMENTS**

**1209.01 GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Board, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

**1209.02 INITIATION OF ZONING AMENDMENTS**

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.
- c. By the filing of an application by at least one owner of lessee of property within the area proposed to be changed or affected by said amendment.

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### **1209.03 CONTENTS OF APPLICATION**

The application for amendment shall contain at least the following information, prepared in triplicate:

- a. Name, address, and phone number of applicant.
- b. Proposed amendment to the text or legal description.
- c. Present use.
- d. Present zoning district.
- e. Proposed use.
- f. Proposed zoning district.
- g. A vicinity map at a scale approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require.
- h. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned.
- i. A fee as estimated by the Township Trustees.

### **1209.04 TRANSMITTAL TO THE ZONING COMMISSION**

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

### **1209.05 SUBMISSION TO STATE HIGHWAY DIRECTOR**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center-line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered or certified mail to the Highway Director. The Zoning Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred and twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Township that he shall proceed to acquire the land needed, then the Township shall refuse to approve the rezoning. If the Highway Director notifies the Township

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that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township Trustees shall proceed as required by law.

### **1209.06 PUBLIC HEARING BY THE ZONING COMMISSION**

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

### **1209.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

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

### **1209.08 NOTICE TO PROPERTY OWNERS BY THE ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by mail return receipt at least twenty (20) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists as may be specified. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

### **1209.09 SUBMISSION TO REGIONAL PLANNING COMMISSION**

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by the last owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval of some modification thereof and shall submit such recommendation to the Zoning Commission.

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Such recommendation shall be considered at the public hearing held by the Zoning Commission.

### **1209.10 RECOMMENDATIONS BY THE ZONING COMMISSION**

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted. The Zoning Commission shall transmit its recommendation to the Township Trustees.

### **1209.11 PUBLIC HEARING BY THE TOWNSHIP TRUSTEES**

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

### **1209.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

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

### **1209.13 NOTICE TO PROPERTY OWNERS BY THE TOWNSHIP TRUSTEES**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Clerk, by certified mail return receipt at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

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### **1209.14 ACTION BY THE TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Zoning Commission, it must be a unanimous vote.

### **1209.15 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Resolution there is presented to the Township Clerk a petition, signed by a number of qualified voters residing in the Township equal to not less than ten (10%) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the zoning resolution to the electors of the Township for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.