

**Article XVIII. Enforcement****Section 18.00 *Zoning Certificate Required***

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure nor shall any building, structure, or real property be changed in use within the territory included in this zoning resolution without obtaining a Zoning Certificate and no such Zoning Certificate shall be issued unless the plans for the proposed building, structure or use fully comply with this zoning resolution.
- B. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure:
1. To provide for greater height or bulk;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area;
  4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this resolution.
- C. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.
- D. A lot shall have frontage on a public or private road that meets the minimum specifications of the Geauga County Subdivision Regulations, and shall be in conformity with all of the minimum area, frontage, width, setbacks (yards) and other applicable regulations contained in this Resolution or any amendment thereto in effect at the time of its recording with the county recorder.
- E. A Zoning Certificate may be reissued if construction does not begin within one (1) year and is not completed within two (2) years from the date of issuance if all terms of the approved application are unchanged and remain in compliance with the current zoning resolution. A reissued Zoning Certificate requires submission of an application for a Zoning Certificate with supplemental statement attesting that no changes have been made to the original application, site plan, building plan, soil erosion plan, septic plan, driveway permit, deed or other required permits, plans or documentation

**Section 18.01 *Contents of Application for a Zoning Certificate***

Written application for a Zoning Certificate shall be made on forms provided by the township zoning inspector and shall be signed and dated by the owner, the applicant, or his authorized representative attesting to the truth and accuracy of all information supplied in the application. All applications for Zoning Certificates shall contain the

following language: The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

All completed applications for a Zoning Certificate shall be submitted to the township zoning inspector and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the owner of record.
- C. The address of the lot, if different from the applicant's current address.
- D. Documentation as the authority to make application (e.g., deed, power of attorney, lease, or purchase agreement).
- E. A legal description of the lot, as recorded with the Geauga County Recorder.
- F. The current zoning district in which the lot is located.
- G. A description of the existing use of the lot.
- H. A description of the proposed use of the lot.
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following:
  1. The dimensions (in feet) of all lot lines and the total acreage of the lot.
  2. The dimensions and elevations (in feet) of existing buildings structures and uses on the lot, if any.
  3. The setback (in feet) from all lot lines of existing buildings or structures on the lot, if any.
  4. The dimensions and elevations (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to the existing buildings or structures.
  5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  6. The setback (in feet) from all lot lines of proposed buildings structures and uses on the lot or of any addition or structural alteration to existing buildings or structures.
  7. The height (in feet) of existing buildings or structures on the lot.
  8. The height (in feet) of proposed buildings or structures on the lot or of any addition or structural alteration to existing buildings or structures.
  9. The name and location of the existing road(s), public and private, adjacent to the lot.

10. The number of dwelling units existing (if any) and proposed for the lot.
  11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
  12. For professional office, commercial and industrial uses: the location, dimensions (in feet), and number of loading/unloading spaces.
  13. The location and dimensions (in feet) of any existing or proposed easements on the lot.
  14. Any use for which the Government of United States or the State of Ohio requires an environmental study and impact statement, a copy of the completed impact statement shall be included with this application
  15. The location and description of existing and proposed landscaping and buffers areas on the lot.
  16. The existing topography of the lot, at contour intervals of two (2) feet, and a final grading plan.
  17. For all zoning districts: the location of any exterior lighting fixtures, their maximum lumens and documentation that they are, and will be installed as, full cutoff fixtures as defined in this Amendment.
  18. For professional office, commercial and industrial uses: the location and dimension of any exterior display, sales or storage areas on a lot.
  19. The location and dimensions of a fire protection pond and dry hydrant, if applicable.
- J. Provide the type and design of any sign(s), including two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing the following:
1. The dimensions (in feet) of the sign.
  2. The area of the sign (per sign face) in square feet.
  3. The location of the sign on the building, structure, or lot including dimensions (in feet) from the front and side lot lines.
  4. The height (in feet) of the sign.
  5. The method of illumination, if any.
  6. The dimensions of the lettering and / or elements of the matter displayed (e.g. a logo)
- K. Two (2) copies of an erosion control plan as required by Section 4.03 of this resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.

- L. Provide a copy of the driveway culvert pipe permit issued by the appropriate governmental authority, if applicable
- M. Documentation shall be provided that the appropriate governmental agency has approved the sewage treatment facility to serve the proposed use on the lot.
- N. The application fee.
- O. The township zoning inspector may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this Resolution.

**Section 18.02      *Action by Township Zoning Inspector on Application for Zoning Certificate***

Within thirty (30) days after the receipt of an application for a Zoning Certificate, the township zoning inspector shall either approve the application and issue a Zoning Certificate or disapprove the application in conformity with the provision of this zoning resolution.

In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the township zoning inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article XVII of this resolution.

One (1) copy of the plans submitted with the application shall be returned to the applicant by the township zoning inspector, after the zoning inspector has marked said copy either approved or disapproved and attested to the same by his signature and date on said copy. One (1) copy of the plans so marked shall be retained by the zoning inspector for his permanent records.

**Section 18.03      *Submission to Director of Ohio Department of Transportation***

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 township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered or certified mail to the director of transportation.

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 of transportation notifies the zoning inspector that he has purchased or has initiated proceedings to appropriate the land which is subject of the amendment, 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 resolution.

Section 18.04 *Revocation of Zoning Certificate*

A Zoning Certificate shall be revoked by the zoning inspector if:

- A. The Zoning Certificate has been issued in error by the zoning inspector.
- B. The Zoning Certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the Zoning Certificate has not begun within one (1) year from the date of issuance or if construction has begun within one (1) year and said construction has not been completed within two (2) years from the date of issuance.
- D. When a Zoning Certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the Zoning Certificate. Such notice shall set forth the reason(s) for the revocation of the Zoning Certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article XVII of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the Zoning Certificate shall cease unless and until a new Zoning Certificate has been issued.

Section 18.05 *Complaints Regarding Violations*

Whenever an alleged violation of this resolution occurs any person may file a written complaint with the zoning inspector. All alleged violations shall be presented to the Zoning Inspector via the Newbury Township "Complaint of Zoning Violation" form. Such complaint shall state the nature of the complaint and the regulation violated. The zoning inspector shall keep records of such complaints and shall investigate within thirty (30) days from the date such complaint was filed or within such extended time period as may be necessary to fulfill the requirements of this resolution.

Section 18.06 *Prohibition Against Violating Zoning Resolution*

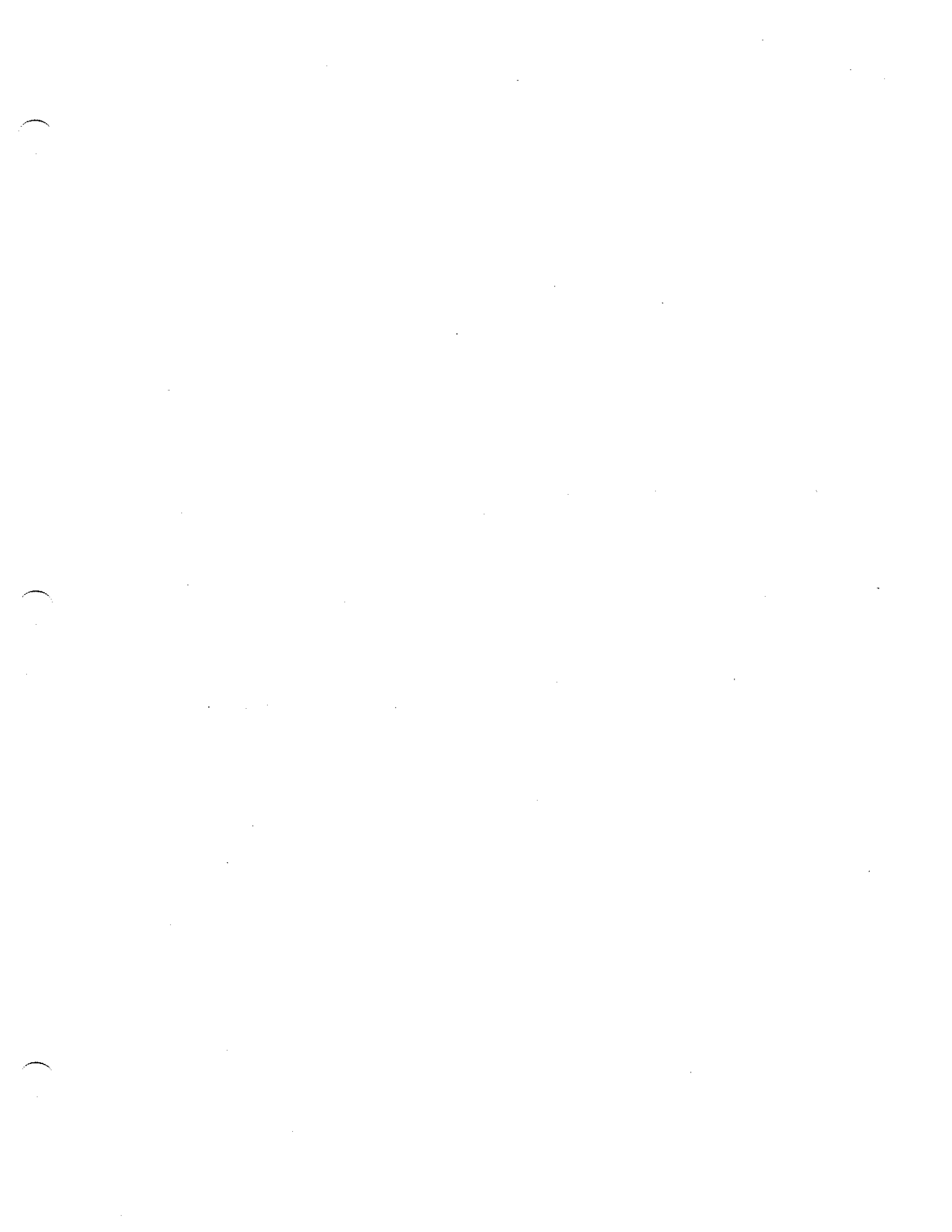
No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this resolution, or any amendment or supplement to this resolution. Each day's continuation of a violation of this resolution may be deemed a separate offense.

Section 18.07 *Action to Prevent Violations of Zoning Regulations*

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation

of sections 519.01 to 519.99 inclusive of the Revised Code or of any regulation or provision adopted by the board of township trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, 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 unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.







**Article XIX. Amendments****Section 19.00 *A Procedure for Amendments to Zoning Resolution***

The procedure for amendments to the zoning resolution shall be in accordance with Ohio Revised Code Section 519.12.

**Section 19.01 *Contents of Application for a Zoning Amendment***

Application forms for amendments to the zoning resolution shall be provided by the township zoning commission or its secretary. All applications shall contain the following language:

The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000), or both.

Such application shall include the following information:

- A. The name, address and telephone number of the applicant.  
The address of the property, if different from the applicant's current address.
- B. A description of the present use of the property.
- C. A description of the present zoning classification of the property.
- D. The text of the proposed amendment.
- E. The proposed zoning district, if applicable.
- F. A legal description of the real property which is the subject of the proposed amendment.
- G. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the property.
- H. A copy of the official township zoning map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
- I. A statement relative to the reason(s) for the proposed amendment and how it may relate to the township land use plan.
- J. A list of the addresses from the county auditor's current tax list of all owners of property within and contiguous and directly across the street from the area to be rezoned or redistricted, 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.
- K. The application fee, as established by resolution of the board of township trustees, to defray the costs of advertising, mailing and other expenses.

Section 19.02      *Submission to Director of Ohio Department of Transportation*

Before any zoning amendment or supplement is adopted 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 township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the board of township trustees shall give notice, by registered or certified mail to the director of transportation.

The board of township trustees shall not adopt a zoning amendment for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the board of township trustees that he has purchased or has initiated proceedings to appropriate the land which is subject of the amendment, then the board of township trustees shall refuse to adopt the amendment. If the director notifies the board of township trustees 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 board of township trustees shall proceed as required by the Ohio Revised Code.