

**ARTICLE VII
ADMINISTRATIVE PROCEDURES**

**CHAPTER 710
Zoning Certificates**

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Sec. 710.1 ZONING CERTIFICATE REQUIRED.

No land shall be disturbed, no building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Montville Township prior to the issuance of a Zoning Certificate when required by this Chapter. A Zoning Certificate shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Resolution, unless a variance has been approved by the Board of Zoning Appeals.

Sec. 710.2 AGRICULTURAL USES EXEMPT.

In accordance with O.R.C. § 519.21, any use determined by the Zoning Inspector to be an agricultural use that is located on a lot larger than 5 acres or on a lot that is less than 5 acres that is not subject to regulation according to Sec. 330.1 of the Zoning Resolution shall be exempt from the zoning certification requirements. An Agricultural Exemption Certificate shall be filed with the Zoning Inspector that states that the use is an agricultural use of the property and that the property qualifies for the agricultural exemption prior to the construction of any agricultural building or structure. No zoning certificate shall be required for such agricultural use or any building or structure specifically accessory thereto. No agricultural building shall be occupied by a use other than an agricultural use without first obtaining a zoning certificate in accordance with this Chapter.

Sec. 710.3 ZONING CERTIFICATE APPLICATION REQUIREMENTS.

All applications for zoning certificates shall be submitted to the Zoning Inspector, who shall issue zoning certificates when all applicable provisions of this Resolution have been complied with.

- A. Zoning Certificates for Single-Family Dwellings, and Uses and Structures that are Accessory to Single-Family Dwellings. An application for construction or

alteration of a single-family dwelling, accessory use or accessory structure shall include the following:

1. Applications for principal buildings shall submit the completed application form, along with the application fee as established by the Trustees and the following additional items (Revised June 21, 2007):
 - a) Property address.
 - b) Recorded plat of lot showing all lot dimensions.
 - c) A survey of the lot prepared, stamped, and signed by a registered engineer or licensed surveyor showing the following (Revised 10/28/10):
 - i. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
 - ii. Right-of-way of adjacent streets.
 - iii. Location, dimensions, height, and bulk of all existing buildings and proposed construction for which this application is made.
 - iv. The existing and intended use(s) of all land and buildings.
 - v. Dimensions of yards, driveways, and parking spaces.
 - vi. Elevation and grading plan.
 - vii. Must state/show FEMA, floodplains and/or local floodplains that exist on the lot.
 - viii. Must state/show Army Corps of Engineers wetlands and wetlands setbacks as designated in this Resolution.
 - d) A road culvert/driveway permit, when required by Sec. 710.8.
 - e) Health Department certificate for areas not serviced by sanitary sewers.
 - f) Sanitary sewer tap-in and water permit (when applicable).
 - g) Stormwater management/erosion control permit.
2. Applicants for buildings and structures accessory to a dwelling shall submit the completed application form, along with the required application fee as established by the Trustees and the items listed in subsection 1, above, as applicable, except that a tax map of the lot may be used in place of a survey to indicate the existing buildings and proposed construction. See Section 410.8 L. 14 for additional Wind Energy Conversion System submittal requirements. (Revised 10/28/10)

- B. Zoning Certificates for All Other Permitted Uses. Applications for zoning certificates for permitted uses not described in subsection A. above shall include the submission requirements for site plans set forth in Chapter 720.
- C. Zoning Certificates for Conditional Uses. Applications for zoning certificates for conditional uses shall include the submission requirements for conditional uses set forth in Chapter 450.

Sec. 710.4 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall, within 10 days of receiving a submitted application, review the application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

Sec. 710.5 APPROVAL OF ZONING CERTIFICATE.

The Zoning Inspector shall act on a Zoning Certificate application as follows:

- A. A Zoning Certificate shall be issued by the Zoning Inspector when in his/her determination it meets all requirements of this Resolution, including the application requirements specified herein. In conducting his/her review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Resolution. The cost of such additional consultation shall be borne by the applicant, as stated in the schedule of fees. (Effective June 22, 2006)
- B. Applications for Planned Neighborhood Developments shall be transmitted to the Township Trustees for review according to Sec. 412.12.
- C. Applications for Conservation and Controlled Density Planned Residential Developments shall be transmitted to the Zoning Commission for site plan review according to Chapter 720.
- D. Applications for Zoning Certificates for all other permitted uses requiring review of site plans shall be transmitted to the Zoning Commission according to Chapter 720.
- E. Applications for conditional use approval shall be transmitted to the Board of Zoning Appeals according to Chapter 730.
- F. Applications for a variance shall be transmitted to the Board of Zoning Appeals.

Sec. 710.6 DENIAL OF ZONING CERTIFICATE.

A Zoning Certificate shall not be issued where the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated and noted as disapproved.

Sec. 710.7 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

According to ORC 5511.01, before any Zoning Certificate is issued affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice, by registered mail, to the Director of ODOT and shall not issue a Zoning Certificate for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning certificate shall not be issued. If notified that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any agreed upon extension thereof, a zoning certificate shall be granted if the application is in conformance with all provisions of this resolution.

Sec. 710.8 CULVERT/DRIVEWAY AND DITCH ENCLOSURE PERMITS REQUIRED.

No Zoning Certificate shall be granted to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to a township road, county road or state highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Township official (whichever authority has jurisdiction), for permission to install a driveway and a culvert of the proper size and specifications required by the respective authority. (Effective June 22, 2006)

A ditch enclosure permit is required if the roadside is to be tiled. The culvert installed along the roadside shall be the same size as the driveway culvert pipe. A swale shall be maintained. (Effective June 22, 2006)

Sec. 710.9 EXPIRATION OF ZONING CERTIFICATE.

A Zoning Certificate shall become void at the expiration of one (1) year after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Inspector. The date of expiration shall be noted on the Zoning Certificate.

- A. If no construction is begun within one (1) year of the date of the certificate and an extension has not been granted, a new application, fee and certificate shall be required. (Effective June 22, 2006) Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed.

- B. Upon showing of valid cause, the Zoning Inspector may grant an extension of the zoning certificate for a period not to exceed 6 months.

Sec. 710.10 TEMPORARY USE PERMITS.

Temporary buildings and uses when permitted as an accessory use in this Resolution shall be required to obtain a temporary use permit in compliance with the application requirements outlined below and the supplemental regulations set forth in Chapter 320, Sec. 320.4 for temporary construction facilities and Sec. 330.4 for temporary sales and special events. The applicant shall submit to the Zoning Inspector a completed application form, along with the application fee as established by the Trustees and two (2) copies of a plot plan containing the following:

- A. Location and use of existing buildings;
- B. Intended ingress and egress of traffic; width of driveways and aisles, the location of parking areas, and the location of any barriers; and
- C. Dimensions, location, and width between any and all temporary buildings, signs, or structures on the premises.