

ADMINISTRATION AND ENFORCEMENT

801	Zoning Inspector
802	Board of Zoning Appeals
803	Zoning Commission
804	Zoning Certificates
805	Schedule of Fees, Charges and Expenses
806	Enforcement
807	Site Plan Review

801 ZONING INSPECTOR

The Township Trustees shall establish and fill the position of Township Zoning Inspector as provided in the Ohio Revised Code. The Zoning Inspector shall give bond as provided in the Ohio Revised Code.

802 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have such power as specified by Chapter 519 of the Ohio Revised Code by Article VI and IX of this Resolution and as other provided in this Resolution.

803 ZONING COMMISSION

A. Powers. The Zoning Commission shall have the following duties:

1. Initiate proposed amendments to the text or zoning districts map of this Resolution.
2. Review all proposed amendments to this Resolution and make recommendations to the Township Trustees.
3. Review, approve or deny site plans as specified by Section 807.
4. Make recommendations to the Township Trustees on all matters concerning planning, zoning and development in Westfield Township.

B. Members. Membership of the Zoning Commission shall be as provided in the Ohio Revised Code.

C. Organization and Procedures of the Zoning Commission shall be as provided in the Ohio Revised Code.

804 ZONING CERTIFICATES

A. Application for Zoning Certificate. Before establishing a use, constructing or altering any sign (except changing the face of a sign), structure or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:

1. A plat drawn to scale showing the exact dimensions and area of the lot to be built upon.
 2. The location, dimensions, height and bulk of structures to be erected.
 3. The intended use.
 4. The proposed number of sleeping rooms, dwelling units, employees and other uses.
 5. The yard, open area and parking space dimensions.
 6. Information indicating compliance with the requirements of Article II and the appropriate district regulations.
 7. Evidence that sanitary sewage disposal facilities for the use have been approved by the Medina County Health Department or the Medina County Sanitary Engineer, as appropriate.
 8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution.
- B. Application for Conditional Zoning Certificate. If the application is for a conditional zoning certificate, the application procedure defined in Section 602 shall be followed in lieu of the above regulations.
- C. Staking Required. At the time of submitting an application for a zoning certificate, or at a time agreed with the Zoning Inspector, the applicant shall install stakes on the lot indicating the intended location of any structure subject to the application. Stakes shall be maintained until the Zoning Inspector has inspected the proposed location and approved their removal. The Zoning Inspector may determine that staking is not necessary for verification of compliance with these provisions and may waive the requirement for staking.
- D. Zoning Certificate Issued after Culvert Permits. No zoning certificate shall be issued to build any structure within the confines of the unincorporated area of the Township which has ingress or egress to a highway until the owner of such property has secured a permit from the Ohio Department of Transportation, Medina County Engineer or the Township Trustees (*whichever authority has jurisdiction*) and completed proper installation of such culvert, if such culvert is necessary for adequate removal of storm water from the vicinity.
- E. Time for Issuance. The Zoning Inspector shall issue a zoning certificate within 30 days after the receipt of application if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee, unless such application is for a conditional zoning certificate in which case issuance will be determined by the requirements of Article VI.

- F. Referral to Ohio Department of Transportation. Prior to issuance of any zoning certificate for any land within 300 feet of the centerline of a certified new highway or highway improvement of within 500 feet from the intersection of an existing public road with said centerline, the Director of the Ohio Department of Transportation shall be notified as provided by the Ohio Revised Code.
- G. Term of Certificate. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use changed within one (1) year of the date of certificate, a new certificate shall be applied for.
- H. Denial of Application for Zoning Certificate.
1. The Zoning Inspector shall deny an application for a zoning certificate for any of the following reasons:
 - a. The applicant has failed to provide information required by this Resolution or by the certificate application.
 - b. The applicant has falsely answered a question or has provided false information required by the Resolution of the certificate application.
 - c. The required application or certificate fees have not been paid.
 - d. The application does not comply with one or more of the provisions of this Zoning Resolution.
 2. If the Zoning Inspector denies an application, he/she shall notify the applicant of the denial and state the reason(s) for the denial.
- I. Zoning Violation Notice; Revocation of Certificate.
1. The Zoning Inspector shall issue a Zoning Violation Notice if the Inspector determines that:
 - a. Construction activity on a lot does not comply with the provisions of this Zoning Resolution or with the provisions of any special permits or approvals, such as a conditional zoning certificate established according to the provisions of this Zoning Resolution or
 - b. Use of a lot, building or other structure does not comply with the provisions of this Zoning Resolution or with the provisions of any special permits or approvals such as a conditional zoning certificate established according to the provisions of this Zoning Resolution.
 2. A written Zoning Violation Notice shall be delivered to the owner of the lot on which the violation is occurring or has occurred or to the owner or operator of the use which is in violation. The Notice shall indicate the nature of the violation and shall order the action necessary to correct it. The Notice shall state what

action the Zoning Inspector intends to take if the violation is not corrected. The Notice shall advise the Inspector's decision or order may be appealed to the Board of Zoning Appeals within ten (10) days of receipt of the notice.

3. If no appeal is filed, the Zoning Inspector shall take necessary and appropriate action required to resolve the violation. Corrective action may include revocation of the zoning certificate. If an appeal is filed, all action shall be stayed unless the Zoning Inspector prepares a statement certifying that the situation poses imminent peril to the public health, safety and welfare and that immediate action is warranted.
- J. Appeal of Certificate Denial or Certificate Revocation
After denial of an application or revocation of a certificate, the applicant or person to whom the certificate was issued may appeal for review of such administrative action by the Board of Zoning Appeals.

805 SCHEDULE OF FEES, CHARGES AND EXPENSES

- A. The Township Trustees shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, amendments, appeals for variance, conditional zoning certificates, site plan approvals 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 Township Hall and may be altered or amended **only** by the Township Trustees.
- A. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

806 ENFORCEMENT

- A. Violation Prohibited. As provided in the Ohio Revised Code, no building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained or used and no land shall be used in violation of the Zoning Resolution. Each day of continuation of a violation may be deemed a separate offense.
- B. Inspection. The Zoning Inspector shall inspect each alleged violation and shall in writing order correction of all conditions which are found to be in violation of this Resolution.
- C. Correction Period. All violations shall be corrected as directed in the written order issued by the Zoning Inspector. Any violations not corrected within a specified time

period shall be reported to the County Prosecutor who shall initiate prosecution procedures.

- D. Action may be taken to prevent or resolve violations as provided in the Ohio Revised Code.
- E. Penalty. Whoever violates the provisions of this Zoning Resolution shall be fined as provided by the Ohio Revised Code.

807 SITE PLAN REVIEW

- 1. Purpose. The purposes of these site plan requirements include but are not limited to:
 - 1. Ensuring compliance with the requirements of this section and of the Zoning Resolution generally;
 - 2. Promoting proper design for efficient use of land, high quality developments and maintaining or increasing property values;
 - 3. Protecting adjoining properties and districts from adverse impacts
 - 4. Modifying development proposals to take advantage of site opportunities and to mitigate potential problems;
 - 5. Promoting safe and convenient vehicular and pedestrian movement in and around site developments, particularly on local roads;
 - 6. Mitigating or preventing adverse impacts on the environment
- 2. Site Plan Review Required; Conformance with Approved Site Plan Required. The uses listed below shall only be established, operated and maintained or substantially altered or relocated in conformance with a site plan or an amendment to a site plan approved by the zoning Commission or by the Board of Zoning Appeals as provided in the following table:

DISTRICT	SITE PLAN REVIEW BY ZONING COMMISSION	SITE PLAN REVIEW BY BOARD OF ZONING APPEALS
RR District	Public School	All conditional uses
SR District	Public School	All conditional uses
LC District	All permitted uses except single and two family dwellings, home occupations and farm markets	All conditional uses
HC District	All permitted uses	All conditional uses
I District	All permitted uses	All conditional uses

Added 01-15-2018

PRD	All permitted uses except single family dwellings on individual lots with frontage on a public road	NA
OIPD	All permitted uses	All conditional uses

As used above, “substantial alteration” shall include but not limited to:

1. Establishment of a new, additional or replacement use or relocation of a use on a site.
 2. Construction of a new building or relocation of a building on a site including any accessory structure exceeding 200 square feet.
 3. An addition to an existing building if the addition exceeds 500 square feet.
 4. Construction of new driveways, parking or loading areas.
3. Procedures.
1. Submittal. Application for site plan review shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine if the application includes all requirements of Section D: Application Requirements. If the application is complete, the Inspector shall forward it for review to either the zoning Commission or to the Board of Zoning Appeals as specified in Section 807.B. If the application is not complete, the Inspector shall notify the applicant of items required to make the application complete and ready for review.
 2. Zoning Commission Review of Site Plan.
 - a. A site plan which is subject to review by the Zoning Commission shall be reviewed by the Zoning Commission at one (1) or more of its public meetings. The Commission shall take action to approve or deny a site plan application within a reasonable time after the first meeting at which the complete application is reviewed.
 - b. Application for amendment of a site plan shall be submitted and reviewed as required for the original site plan.
 - c. The Zoning Commission may require that the trip generation report be reviewed by the County Engineer. When the Commission determines that the traffic impacts of a proposed site plan development will significantly affect the use or function of roads in the vicinity of the development, the Commission may require the applicant to prepare a more detailed traffic impact study. If the Commission determines that a traffic impact study is required, then the applicant shall deposit funds to pay for preparation of such a study according to current professional standards.

- d. In the case of a large or complex project requiring site plan review, the Commission may grant preliminary or conditional approval or may grant approval of project phases. The terms of such preliminary, conditional and/or phased approval shall be stated for the record.
 - e. The Commission may grant conditional approval of any site plan, after clearly stating the conditions for the record and may authorize the Zoning Inspector to determine when compliance with the conditions has been achieved so that the site plan has been approved.
 - f. The commission may adopt additional reasonable rules for procedures and administration of site plan review, not in conflict with these regulations, including but not limited to:
 - I. A schedule for the submittal and review of complete applications.
 - II. Requirements for review by other public officials (e.g., Fire Chief, County Engineer) prior to review by the Commission.
 - III. Required number of copies; standards for drawings.
 - IV. Coordination of concurrent certificate applications and approvals.
3. Board of Zoning Appeals Review of Site Plan. A site plan which is subject to review by the Board of Zoning Appeals as part of an application for a conditional zoning certificate shall be reviewed as provided in Article VI – Conditional Zoning Certificates. Where not in conflict with the provisions of Article VI, the Board may apply the provisions and procedures set forth in Section 807.C.2.
- D. Application Requirements. The following items shall be required for a complete site plan review application:
1. Completed site plan application form.
 2. A site plan drawing shall be provided, legibly drawn at a scale of not less than 1"=20 feet and illustrating the following as applicable to the proposed use or construction:
 - a. Location map, north arrow, scale, date of drawing and identification of preparer.
 - b. A boundary survey.
 - c. Existing topography and proposed finished grades with a maximum contour interval of 2 feet.
 - d. Proposed locations and setback distances of buildings, driveways, parking, activity areas, septic systems and other site features; minimum building setback lines required by this Zoning Resolution.
 - e. Locations and designs of all proposed signs, waste storage and other accessory structures.

- f. Locations and purposes of all existing and proposed public and private easements.
 - g. Circulation and parking plan, surfacing material for all vehicular use areas.
 - h. Planting and landscape plan including all buffer areas required by this Resolution.
 - i. Architectural drawings of the exterior of principal buildings, indicating design features and the type and color of materials to be used.
 - j. Drawings of accessory building, signs and screening for trash or other outdoor storage areas.
 - k. An outdoor lighting plan showing the location and types of fixtures, their purpose, intensity and the area being lighted. At a minimum, lighting shall comply with Section 205.G
 - l. If applicable, an outdoor sound system plan showing locations of speakers. At a minimum, outdoor sound equipment shall comply with Section 205.H.
3. Text including, but no limited to:
- a. A statement containing the following information:
 - I. Description of the proposed development of operation, including any off site impacts
 - II. Floor areas of all existing and proposed buildings
 - III. Amount of floor area to be used for various uses, including retail, office, storage, servicing etc.
 - IV. Maximum number of employees
 - V. Maximum seating capacity
 - VI. Number of parking spaces required by these regulations and the number proposed.
 - b. Trip Generation Report. A trip generation report shall be prepared and submitted by the applicant for any site plan which proposes new construction on a vacant site, greater than 10% increase of existing floor area or a change of use except that the Zoning Commission or Board of Zoning Appeals may waive the requirement for a report where it determines that the traffic impacts will be insignificant. The trip generation report shall be a letter or brief report which contains at a minimum, the following information:
 - I. The name and address of the preparer of the estimates and a brief statement of the qualifications of the preparer.
 - II. An estimate of the number of average trip ends for the current generator(s) on the site at the peak hour(s) of the generator(s) and the peak hour of the roadway.

- III. An estimate of the number of average trip ends for the proposed generator(s) on the site at the peak hour(s) of the generator(s) and the peak hour of the roadway.
 - IV. An estimate of the increase (or decrease) in trip ends between the current and proposed developments.
 - V. An estimate of the trip ends of any periodic or seasonal activity on the site.
 - VI. The source(s) of the estimate(s) (e.g. ITE Trip Generation, on-site counts or another source).
 - VII. A plan for vehicular access to and from the site which minimizes congestion and safety impacts and promotes efficient movement of vehicles.
- E. Review Standards. The Zoning Commission and where applicable to conditional zoning certificates, the Board of Zoning Appeals shall review and act upon site plan applications based on the following standards and taking into consideration the reasonable fulfillment thereof:
1. Conformance with the laws and regulations of the Township, County, State and Federal governments.
 2. Traffic and Circulation:
 - a. The site plan shall show that proper relationship will exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
 - b. On-site traffic circulation shall be designed to make possible adequate fire and police protection.
 - c. Curb cuts, internal driveways, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites and between the site and the adjacent thoroughfare system.
 - d. The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterial and collector streets.
 3. Vegetation, Topography, Screening:
 - a. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
 - b. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provide through good design and use of proper building materials and landscaping.
 - c. In large parking areas, visual relief shall be provided through the use of trees planted, landscaped dividers, island and walkways.

- d. Screening of parking areas, service areas and refuse storage areas from surrounding properties shall be provided through landscaping and/or ornamental walls of fences where necessary to promote harmony with adjacent development.
- 4. All the development features including the principal buildings, open spaces, service roads, driveways and parking areas shall be so located and related as to minimize the possibility of adverse effects upon adjacent developments.
- 5. In case of any industrial use, adequate provision shall be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable or explosive solids, liquids or gases, oils or gases shall not be discharged into the sanitary sewer or into water sources.