

## ARTICLE 25

### PERMITS & APPROVALS

#### §25.05 - INTENT & PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the process for the issuance of zoning permits and certificates of zoning compliance;
- (B) Provide a consistent and uniform method of review for permits and certificates of zoning compliance; and
- (C) Ensure full compliance with the standards and provisions of this Ordinance, other Township ordinances, and county, state, and federal laws.

#### §25.10 - AUTHORITY

Authority to review and approve permits and certificates of zoning compliance shall be as outlined below.

- (A) *Zoning Permits & Certificates of Zoning Compliance:* Authority to approve, approve with conditions, or deny zoning permits and associated plot plans and certificates of zoning compliance shall be with the Director of Planning and Zoning.
- (B) *Appeal:* Authority to hear an appeal of decision of a zoning permit or certificate of zoning compliance shall be with the Zoning Board of Appeals.

#### §25.15 - PERMITS REQUIRED

Permits are required for various structures, uses, and activities, as outlined in the table below.

Table 25.15: Permits Required	
Structure, use, or activity <sup>(A)</sup>	Permit Required <sup>(B)</sup>
(A) Building, accessory- such as sheds, garages, pole barns, or gazebos	Major zoning permit
(B) Building, addition	Major zoning permit
(C) Building, new	Major zoning permit
(D) Building, temporary	Temporary zoning permit
(E) Commercial use, new	Major zoning permit
(F) Deck, porch, patio	Major zoning permit
(G) Driveway or sidewalk, impervious	Major zoning permit

(H) Driveway or sidewalk, pervious	No permit <sup>(C)</sup>
(I) Fence or retaining wall	Fence permit
<u>(J) Fence, agricultural</u>	<u>No permit<sup>(C)</sup></u>
<del>(J)</del> (K) Flagpole, 25 feet high or less	No permit <sup>(C)</sup>
<del>(K)</del> (L) Flagpole, more than 25 feet high	Minor zoning permit
<del>(L)</del> (M) Group day care home or group foster care home	Minor zoning permit
<del>(M)</del> (N) Generator or heat pump	Minor zoning permit
<del>(N)</del> (O) Home occupation	Minor zoning permit
<del>(O)</del> (P) Propane tank- more than 100 gallon capacity	Minor zoning permit
<del>(P)</del> (Q) Play equipment, single-family or two-family	No permit <sup>(C)</sup>
<del>(Q)</del> (R) Play equipment, multiple-unit or other	Minor zoning permit
<del>(R)</del> (S) Pool or hot tub	Major zoning permit
<del>(S)</del> (T) Remodel, exterior- no increase to the building coverage, such as reroofing, siding, windows, and doors	Minor zoning permit
<del>(T)</del> (U) Remodel, interior- structural changes but no increase of building coverage	Minor zoning permit
<del>(U)</del> (V) Remodel, mechanical improvements, such as electrical, plumbing, furnace	No permit <sup>(C)</sup>
<del>(V)</del> (W) Roadside stand	Temporary zoning permit
<del>(W)</del> (X) Satellite dish, antenna, ham radio	No permit <sup>(C)</sup>
<del>(X)</del> (Y) Sign, permanent	Sign permit
<del>(Y)</del> (Z) Sign, temporary	No permit <sup>(C)</sup>
<del>(Z)</del> (AA) Sign, window	No permit <sup>(C)</sup>
<del>(AA)</del> (BB) Special event	Temporary zoning permit
<del>(BB)</del> (CC) Temporary use	Temporary zoning permit
<del>(CC)</del> (DD) Hunting blind, bus stop shelter, others...	<u>No permit<sup>(C)</sup></u>

- (A) **Interpretation:** If a specific structure, use, or activity that is not listed in Table 24.4015: Permits Required, the Director of Planning and Zoning shall determine if that structure, use, or activity is substantially similar in character and impact to any of the listed structures, uses, or activities listed in Table 25.4015: Permits Required and it shall then be subject to the same permit and plan standards as that similar listed structure, use, or activity.
- (B) **Additional Permits Required:** Additional permits may be required from different entities, including, but not limited to, building permits, well permits, septic permits, sewer approval, and natural river permits, as outlined in §25.25: [Additional Approvals of this Ordinance](#).
- (C) **Standards Still Apply:** Even though a zoning permit may not be required, the structure, use, or activity shall still comply with all of the applicable standards and provisions of this Ordinance.

## §25.20 - GENERAL PROVISIONS

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The following general provisions shall apply to all permits and approvals.

- (A) **Zoning Permit Required:** Excavation shall not be initiated, structures shall not be erected, altered, or moved, and commercial uses shall not be established or changed unless a zoning permit has been issued. Issuance of a zoning permit signifies that the proposed structure or use complies with all provisions of this Ordinance.
- (B) **Building Permit Required:** Excavation shall not be initiated and structures shall not be erected, altered, or moved unless a building permit, when required by Building Code, has been issued by the Building Official.
- (C) **Conditions:** Conditions and safeguards may be placed on zoning permit and certificate of zoning compliance approvals, as outlined in §24.45: [Conditions of Approval of this Ordinance](#).
- (D) **Performance Guarantee:** A performance guarantee may be required as a condition of approval, as outlined in §24.25: [Performance Guarantee of this Ordinance](#).
- (E) **Certificate of Zoning Compliance:** Structures shall not be occupied or used without receiving a certificate of zoning compliance. Uses requiring a permit or certificate of zoning compliance shall not start or continue without receiving a certificate of zoning compliance, [unless otherwise noted in §25.35: Certificate of Zoning Compliance Process](#).
- (F) **Certificate of Occupancy:** Structures requiring a certificate of occupancy from the Building Official shall not be occupied or used without receiving a certificate of occupancy. The issuance of a certificate of occupancy shall not be valid unless or until a certificate of zoning compliance, when required, has been issued and shall not be construed as waiving any provision of this Ordinance.
- (G) **Applicant Responsibilities:** The applicant shall be responsible for the following:
- (1) **Accuracy:** Ensuring the application and associated supporting materials are complete and accurate;
  - (2) **Marking:** Marking the location of proposed [additions-structures](#) and lot lines, as requested.
  - (3) **Display Permit:** Displaying the approved permit in a manner that is clearly visible from the street right-of-way until a certificate of zoning compliance has been issued; and
  - (4) **Inspections:** Contacting the Township for all necessary inspections.
- (H) **Right to Enter Property:** Submission of a permit application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Ordinance.

## §25.25 - ADDITIONAL APPROVALS

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Additional approvals from other bodies, agencies, and entities shall be required for issuance of zoning permits or use of structures, as outlined below.

- (A) **Street Access:** Access to a street shall be required before issuance of a zoning permit.
- (1) **Public Street:** For lots that are to have access from a public street, a driveway permit from the Road Commission shall be required, when a new driveway is being installed or the use of an existing driveway is being intensified.
  - (2) **Shared Driveway:** For lots that have access through a shared driveway, a shared driveway approval from the Township and a copy of the recorded access easement and maintenance agreement shall be required.
  - (3) **Access Easement:** For lots that have access through an access easement, an access easement approval from the Township and a copy of the recorded access easement shall be required.
- (B) **Wastewater Permit:** When a wastewater system is required by law or proposed by the applicant, that approval shall be required before issuance of a zoning permit.
- (1) **Septic System:** When a public, private, or shared septic system is required or proposed, a report or permit from the Environmental Health Department certifying approval shall be required.
  - (2) **Wastewater System:** When a connection with a municipal wastewater system is required or proposed, approval from the wastewater system administrator shall be required.
- (C) **Water Supply Approval:** When a potable water supply is required by law or proposed by an applicant, that approval shall be required before issuance of a zoning permit.
- (1) **Water System:** When a public, private, or shared water supply system is required or proposed, either a report from the Environmental Health Department certifying approval of a water supply system or a written notice of acceptance or hook-up fee receipt from the water supply administrator shall be required.
  - (2) **Private Well:** When a private well is required or proposed, an approval from the Environmental Health Department shall be required.
- (D) **Natural River Permit:** For projects located within the natural river zone, clearing and excavation shall not be initiated and structures shall not be erected, altered, or moved unless a Natural River Program Zoning Permit has been issued by the Department of Natural Resources.
- (E) **Special Land Use:** Uses or improvements or structures for uses that are classified as a special land use shall receive the special land use approval before a zoning permit may be issued.
- (F) **Site Plan:** Uses or improvements or structures for uses that require site plan approval shall receive that approval before a zoning permit may be issued.
- (G) **Administrative Adjustment:** Improvements or structures that are requesting an administrative adjustment shall receive that approval before a zoning permit may be issued.
- (H) **Variance:** Improvements or structures that require a variance shall receive that approval before a zoning permit may be issued.
- (I) **Building Permit:** A building permit from the Building Official shall be required, as outlined in the Building Code. A building permit shall not be issued until a zoning permit has been issued for those projects requiring a zoning permit.

## §25.30 - PERMIT PROCESS

Zoning permits shall be reviewed as described below and in this Article.

- (A) **Application:** A permit application shall include the following:
- (1) *Application Form:* A signed and completed application form;
  - (2) *Application Fee:* An application fee, as outlined in the adopted Fee Schedule. No application fee shall be required if the Township is the applicant;
  - (3) *Plot Plans:* At least three (3) copies of plot plans ~~or site plans, when required by Table 25.15;~~
  - (4) *Stormwater Management Plan:* A stormwater management plan, when required by §17.45: ~~Stormwater Management of this Ordinance;~~
  - (5) *Building or Structure Plans:* At least three (3) copies of building plans or structure plans, ~~when required by Table 25.15;~~
  - (6) *Additional Approvals:* All applicable additional approvals outlined in §25.25: ~~Additional Approvals of this Ordinance.~~
  - (7) *Additional Materials:* Any additional information determined necessary by the Director of Planning and Zoning.
- (B) **Complete & Accurate:** Submission of an application constitutes a representation that all of the information is complete and accurate.
- (C) **Issuance:** Zoning permits shall be issued after adequate review whenever the structure and use are consistent with the provisions of this Ordinance.
- (1) *Must Issue:* The Director of Planning and Zoning shall not refuse to grant any permit or certificate of zoning compliance that complies with this Ordinance and any conditions of approvals.
  - (2) *Timely Review:* A permit shall be issued within fourteen (14) business days of receiving a completed application, unless a delay is agreed to, in writing, by the applicant.
- (D) **Withholding Permit:** Issuance of any permit may be withheld pending verification that an applicant has received the necessary county, state, and federal permits or to confirm that any conditions of approval placed by the Township Board, Planning Commission, or Zoning Board of Appeals have been satisfied.
- (E) **Expiration:** Any permit granted under this Ordinance shall be valid for one (1) year, unless otherwise stated in this Ordinance.
- (1) *Null & Void:* If a certificate of zoning compliance has not been issued within this period, the permit shall be null and void.
  - (2) *Extensions:* Two (2) extensions of up to six (6) months each may be granted if the applicant has demonstrated a good-faith effort to complete the permit and it is likely that the permit will be completed or a certificate of zoning compliance will be issued within the extension period.
- (F) **Revocation:** The Director of Planning and Zoning shall have the authority to revoke or cancel any permit, as outlined in §24.70: ~~Revocation of this Ordinance.~~ A stop work order or cease and desist order may be issued pending a decision on revocation, as outlined in §24.50: ~~Violations, Fines, & Penalties of this Ordinance.~~

### **§25.35 - CERTIFICATE OF ZONING COMPLIANCE PROCESS**

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Zoning permits and certificates of zoning compliance shall be reviewed as described below and in this Article.

- (A) **Issuance:** Certificates of zoning compliance shall be issued after adequate review whenever the structure and use are consistent with the permits, conditions of the zoning permit, and the provisions of this Ordinance. The Director of Planning and Zoning shall not refuse to grant any certificate of zoning compliance that complies with the permit, conditions of the zoning permit, and this Ordinance.
- (B) **Final Grading:** A certificate of zoning compliance shall not be issued until the final grading is completed and stabilized or a performance guarantee, as outlined in §24.25: [Performance Guarantee of this Ordinance](#), has been submitted to the Township to cover the anticipated cost of final grading.
- (C) **Stormwater Management System:** The stormwater management system shall be inspected and approved by the Township Engineer before a certificate of zoning compliance may be issued, ~~as outlined in §25.35 of this Ordinance.~~
- (D) **Landscaping:** All landscaping required by this Ordinance shall be installed or a performance guarantee, as outlined in §24.25: [Performance Guarantee](#) of this Ordinance, shall be provided to the Township before a certificate of zoning compliance can be issued.

*End of Article 25.*

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