

**ARTICLE 5
ADMINISTRATION AND ENFORCEMENT**

5.01 PURPOSE

This Resolution sets both the powers and duties of the Zoning Administrator, Zoning Commission, and the Board of Zoning Appeals with respect to the administration of this Resolution.

5.02 RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

A Zoning Administrator, designated by the Batavia Township Board of Trustees, shall administer and enforce this Resolution, and he/she may be provided with the assistance of such other persons as the Batavia Township Board of Trustees may direct.

It shall be the duty of the Zoning Administrator to:

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions with the input of legal counsel where applicable.
- B. Order discontinuance of illegal uses of land, buildings or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Upon finding that any of the provisions of this Resolution are being violated, he/she shall notify, in writing, the person responsible for such violation(s), specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Resolution.
- F. Receive, review and make determinations on applications for Zoning Certificates.
- G. Issue Zoning Certificates as provided by this Resolution and keep a record of same with notations of special conditions involved.
- H. Review and process plans pursuant to the provisions of this Resolution.
- I. Maintain permanent and current records required by this Resolution, including but not limited to the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and Conditional Uses. These records shall be made available for use of the Township Trustees, Township Zoning Commission, Township Board of Zoning Appeals and to the public.

- J. Revoke a Zoning Certificate or approval issued contrary to this Resolution or based on a false statement or misrepresentation on the application.
- K. Take any other action authorized by this Resolution or such other duties as specified from time to time by the Batavia Township Board of Trustees, to ensure compliance with or to prevent violations of this Resolution. This may include the issuance of and action on Zoning Certificates, on land conveyances, and such similar administrative duties as are permissible under the law.

Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals, as provided herein.

5.03 TOWNSHIP ZONING COMMISSION (BTZC)

The Batavia Township Zoning Commission is established in accordance with Section 519.04 of the Ohio Revised Code and as follows:

A. Appointment

The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Batavia Township Board of Trustees, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year on January 1st. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Batavia Township Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by members appointed by the Batavia Township Board of Trustees and shall be for the respective unexpired term.

The Batavia Township Board of Trustees may appoint two (2) alternate members to the Township Zoning Commission, for terms to be determined by the Batavia Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Batavia Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

B. Organization

The Zoning Commission shall organize and adopt rules for the transaction of business and keep a record of its actions and determinations. Meetings of the Commission shall be held at the call of the Secretary or Chairman, and at other times as the Commission may determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the Zoning Department and kept as public record.

Three (3) members of the Commission shall constitute a quorum. Such quorum may exercise the powers of the Commission and the actions of a majority of the full Commission. All actions of the Commission shall have the concurrence of at least three (3) members, and the failure of any proposed amendment, supplement or action to receive an affirmative vote of at least three (3) members of the Commission present shall be considered a recommendation or vote against such amendment, supplement, or action and shall be so recorded and certified as applicable.

The Commission may call upon Township or County Departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance as may reasonably be required.

C. Responsibilities

For the purpose of this Resolution, the Commission shall have the following responsibilities:

1. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Batavia Township Board of Trustees.
2. Review all proposed amendments to this Resolution (text and/or map) and make recommendations to the Board of Trustees, as specified in Article 4.
3. Review all Planned Developments and make recommendations to the Board of Trustees.

5.04 TOWNSHIP BOARD OF ZONING APPEALS (BZA)

The Township Board of Zoning Appeals is hereby created in accordance with Section 519.13 of the Ohio Revised Code and as follows:

A. Appointment and Organization

A quasi-judicial board is hereby created, such board to be known as the Board of Zoning Appeals, consisting of five (5) members who shall be residents of the unincorporated area of Batavia Township. These members shall be appointed by the Township Trustees and the terms of these members shall be five (5) years beginning January 1 each year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Batavia Township Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by members appointed by the Batavia Township Board of Trustees and shall be for the unexpired term.

The Batavia Township Board of Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Batavia Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Batavia Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, or decision of the Zoning Administrator or to decide in favor of the applicant in any matter upon which the Board is required to pass or effect any variation.

The Board shall adopt rules and regulations as it may deem necessary to carry into effect provisions of this Article. Meetings of the Board shall be held at the call of the Chairman or Secretary, and at such other times as the Board determines. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep such

records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and be a public record.

The Board shall hear and decide all questions brought before it by appeal from the regular granting or revocation of certificates by the Zoning Administrator under the provisions of this Resolution. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Resolution. Within its powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

B. Jurisdiction

Any determination by the Zoning Administrator made in the enforcement of this Resolution may be appealed to the Board of Zoning Appeals by any person deeming himself adversely affected by such decision or by any officer of the Township, pursuant to the Ohio Revised Code 519.15.

C. Public Hearing

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of any appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person, by agent, or by attorney.

D. Responsibilities

The Board of Zoning Appeals shall have the power upon appeal to permit exceptions to and variances from this Resolution and its requirements as follows:

1. Temporary Zoning Certificate

Grant a Certificate in any district for a temporary building or use incidental to the residential, commercial or industrial development. The Board's decision regarding the appropriateness of granting such certificate shall be dependent upon the nature and the intensity of the proposed use and a determination that it will not be hazardous or disturbing to existing neighboring uses and that the public health and safety will be maintained through proper provisions for utilities, ingress, egress and parking. Such Certificate shall not be issued for a period of more than one (1) year, unless the Board of Zoning Appeals determines that additional time is necessary and appropriate

2. Variances

Where, by reason of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment of this Zoning Resolution or by reason of the exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the application of these zoning regulations would result in particular and exceptional practical difficulty to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals shall have the power in this specific case to vary from such strict application so as to relieve such difficulty or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Resolution as established in Section 5.06.

3. Conditional Uses

Grant a Conditional Use Certificate for the erection of buildings and the use of buildings and lands if such specific uses are provided for in the Zoning Resolution. Conditional uses shall be reviewed as per the regulations established in Section 5.07 of this Resolution.

4. Non-Conforming Uses

To hear and determine the substitution, enlargement or extension of a non-conforming use existing at the time of enactment of this Resolution. Standards and procedures for non-conforming uses shall conform to Article 6 of this Resolution.

5. Administrative Appeal

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Resolution. Procedures for administrative appeals shall conform to Section 5.05 of this Resolution.

5.05 PROCEDURE FOR ADMINISTRATIVE APPEALS

The following provisions shall apply to the Board of Zoning Appeals for administrative appeals:

A. Authorization

An appeal from a decision of the Zoning Administrator, with respect to the interpretation or application of this Resolution, may be taken to the Board of

Zoning Appeals by any person aggrieved, or his agent, or by any Officer of the Township affected by such decision of the Zoning Administrator.

B. Notice of Appeal to Board

Appeals to the Board shall be filed within twenty (20) days after the decision of the Zoning Administrator by filing a written notice of appeal with the Board of Zoning Appeals on the form specified by the Zoning Administrator.

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.

C. Hearing on Appeal

A hearing on the appeal shall be held by the Board and notice thereof given, as specified under Section 5.04(C) of this Resolution.

D. Decision on Appeals

The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of three (3) of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Administrator under this Resolution. The Board shall render a written decision without unreasonable delay on the application after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

5.06 PROCEDURE FOR OBTAINING A VARIANCE

The procedures for obtaining a variance shall be as follows:

A. Authorization

The Board of Zoning Appeals may authorize variances from the terms of this Resolution when the Board has made written findings of fact, based upon the standards set out in Subsection 5.06(D) of this Resolution.

B. Request for Variance

An application for a variance shall be filed with the Board of Zoning Appeals, which shall contain the following:

1. Description of Property and Nature of Variance

- a. The nature of the variance including the specific provisions of the Zoning Resolution from which the variance is requested.

- b. A description sufficient to identify the property, including a reference of the book and page of the last recorded deed.
- c. A list of property owners, including names and mailing addresses, contiguous to, and directly across the street from the property subject to the variance request.
- d. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zoning district.
- e. A statement showing that the special conditions and circumstances creating the “unnecessary hardship” for a use variance and a “practical difficulty” for an area variance do not result from the actions of the applicant.
- f. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights.
- g. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The application shall be accompanied by at least six (6) copies of a plot plan drawn to an appropriate scale showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.
- d. The relationship of the requested variance to the standards set by the Zoning Resolution.
- e. The use of land and location of structures on adjacent property.

C. Hearing on Variance

A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 5.04(C) of this Resolution.

D. Standards for Variance

Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance.

1. Area/Dimensional Variance

The following factors shall be considered and weighed by the Board to determine practical difficulty:

- a. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to non-conforming and inharmonious uses, structures or conditions.
- b. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- c. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
- d. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.
- e. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.
- f. Whether special conditions or circumstances exist as a result of actions of the owner.
- g. Whether the property owner's predicament can feasibly be obviated through some method other than a variance.
- h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
- i. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

2. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

3. Use Variance

In order to grant a use variance, the Board shall determine that strict compliance with the terms of this zoning resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- a. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.
- b. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district.
- c. The variance requested cannot otherwise be resolved by a zoning map amendment.
- d. The hardship condition is not created by actions of the applicant.
- e. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- f. The granting of the variance will not adversely affect the public health, safety or general welfare.
- g. The variance will be consistent with the general spirit and intent of this zoning resolution.
- h. The variance sought is the minimum that will afford relief to the applicant.

E. Conditions and Restrictions

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Subsection 5.06(D) of this Resolution to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Variance

The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of three (3) of the members of the Board shall be necessary to reverse or modify any decision of the Zoning Administrator under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A variance granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the variance, unless within such twelve (12) month period, a Zoning Certificate is obtained.

5.07 PROCEDURE FOR CONDITIONAL USE PERMITS

The following provisions shall apply to the issuance of Conditional Use Permit:

A. Authorization

Specifically listed Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zoning district.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B. Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a Conditional Use permit shall be filed with the Zoning Administrator and forwarded to the Secretary of the Board of Zoning Appeals.

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use

- a. A description sufficient to identify the property including a reference of the book and page of the last recorded deed.
- b. The proposed use of the property.
- c. A statement of the necessity or desirability of the proposed use to the property and land use.
- d. A statement of the compatibility of the proposed use to adjacent property and land use.

- e. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The application shall be accompanied by at least six (6) copies of the plot plan, drawn to an appropriate scale clearly showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping.
- d. The relationship of the proposed development to the development standards in the existing zoning district.
- e. The use of land and location of structures on adjacent property.
- f. A list of property owners, including names and mailing addresses, contiguous to, and directly across the street from the property subject to the Conditional Use request.

3. Fees

Fees as established by Article 99 of this Resolution.

C. Hearing on Conditional Use

A hearing on the application shall be held by the Board and notice thereof given, as specified under Subsection 5.04(C) of this Resolution.

D. Standards for Conditional Use

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- 1. The proposed use is in fact a Conditional Use established within the applicable zoning district.
- 2. Adequate utility, drainage and other such necessary facilities have been or will be provided.

3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
5. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
6. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
7. Will not be hazardous or disturbing to existing or future neighboring uses.
8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

When considering a Conditional Use request for a use similar to those indicated in a specific District, in addition to the standards in this Section, the Board Shall determine that the proposed use is not specifically identified in another District which would allow the proposed use by a redistricting of the subject property.

E. Conditions and Restrictions

In granting a Conditional Use Permit, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Subsection 5.07(D) to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Conditional Uses

The concurring vote of three (3) of the members of the Board present at the meeting shall be necessary for approval. The Board shall render a written

decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A Conditional Use Permit granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the Conditional Use, unless within the twelve (12) month period such use has commenced or a building permit is obtained and the erection or alteration of a structure is started.

5.08 ZONING CERTIFICATE REQUIRED

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Administrator. Such Certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution. A Zoning Certificate shall be required for any of the following:

- A. Construction or expansion of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Change in the use of land or excavation in preparation for the change in the use of land to a use of a different classification.
- D. Any change in the use of a non-conforming use.

It shall be the duty of the Zoning Administrator to issue a Certificate, provided that he/she is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Resolution. No Certificate for excavation or construction shall be issued by the Zoning Administrator unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Under written request from the owner or tenant, the Zoning Administrator shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

5.09 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

The application for a Zoning Certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the Certificate shall expire if work has not begun within six months or has not been substantially completed within one year from the date the

certificate is issued. The application shall contain the following information as a minimum:

- A. Name, address and phone number of the applicant;
- B. Legal description of the property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing:
 - 1. The actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part;
 - 2. The exact location, size and height of any building or structure, or proposed alteration of an existing building or structure, as would substantially alter its appearance, drawings or sketches showing the front, sides and rear elevations of the proposed building or structure as it will appear after work for which a Certificate is sought is completed;
 - 3. The existing and intended use of each building or structure or part thereof;
 - 4. The number of families or housekeeping units the building is designed to accommodate, and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and
 - 5. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution.
- G. Building heights;
- H. Number of off-street parking spaces and loading berths;
- I. Number of dwelling units;
- J. The school district boundaries; and
- K. Such other information or matters as may be necessary to determine conformance with and provide for the enforcement of this Resolution.

One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Administrator, together with Zoning Certificates as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started with lot line stakes to remain in place until all Zoning Department inspections have been completed.

5.10 APPROVAL OF ZONING CERTIFICATE

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application. Site plan review in accordance with Article 38 may be required prior to the issuance of a Zoning Certificate. All Zoning Certificates shall, however, be conditioned upon the commencement of work within six (6) months. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy as either approved or disapproved and attested to the same by his signature on such copy. One copy of plans similarly marked shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting the fact that the use or alteration is in conformance with the provisions of this Resolution.

5.11 SUBMISSION TO STATE HIGHWAY DIRECTOR

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

5.12 EXPIRATION OF A ZONING CERTIFICATE

If the work described in any Zoning Certificate has not begun within six (6) months from the date of issuance thereof, said permit shall expire, and written notice thereof shall be given to the person(s) affected. If the work described in any Zoning Certificate has not been substantially completed within one (1) year from the date of issuance thereof, said certificate shall expire and written notice thereof shall be given to the person(s) affected,

together with notice that further work as described in the canceled Certificate shall not proceed unless and until a new Zoning Certificate is obtained or extension is granted.

5.13 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and specifications or amendments thereto, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided in Article 99 of this Resolution.