

VILLAGE OF DENNISON, OHIO

ZONING CODE

ORDINANCE NO. 2052

ADOPTED BY VILLAGE COUNCIL SEPTEMBER 3, 1998

ARTICLE XV **ENFORCEMENT**

1500 Zoning Inspector

1500.1 It shall be the duty of the Zoning Inspector, who shall be appointed by the Council of the Village of Dennison upon recommendation by the Mayor of said Village, to enforce this Ordinance. It shall also be the duty of all officials and employees of the Village to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land use changes or upon seeming violations.

1500.2 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article XVI.

1501 Zoning Permits

1501.1 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 in part, until a Zoning Permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a permit, provided that he is satisfied with the structure, building or premises and the proposed use thereof conforms with all of the requirements of this Ordinance. No permit for excavation, construction, or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

1501.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Permit for any building or premises existing at the time of enactment of this Ordinance 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 ordinance. No charge shall be made for issuing a Zoning Permit in accordance with this paragraph.

1502 Conditions Under Which Permit Is Required

A Zoning Permit shall be required for any of the following, except as herein provided:

1502.1 Construction or structural alteration of any building, including accessory buildings.

1502.2 Change in use of an existing building or accessory building to a use of a different classification.

1502.3 Occupancy and use of land.

1502.4 Change in the use of land to a use of a different classification.

1502.5 Any change in the use of a nonconforming use.

1502.6 A Zoning Permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance or any amendment thereto.

1503 Application and Issuance of Zoning Permit

1503.1 Written application upon forms provided by the Zoning Inspector for a Zoning Permit for the construction of a new building or the alteration of an existing building. Said Permit shall be issued within ten (10) working days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.

1503.2 Written application for a Zoning Permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Permit shall be issued within fifteen (15) working days after the application for same has been made.

1503.3 Every application for a Zoning Permit shall be accompanied by a plot plan in duplicate and such other plans as be necessary to show the location and type of building to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on actual survey.

(a) Each plan shall have a scale and directional arrow pointing North and show:

1. the street providing access to the lot and the exact location of the lot in relation to the nearest cross street;
2. the name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting lots;
3. the actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon;
4. the location and size of the proposed structure an/or the proposed enlargement of the existing structure; and
5. any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

(b) Each plan shall bear statements declaring:

1. that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure; and
2. which abutting land was formerly that of the owner of the land involved in the application and, if any, the approximate date of title transfer.

- (c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered professional surveyor.
- (d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- (e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

1503.4 The Zoning Inspector shall not issue a Zoning Permit for any application requiring review by the Planning Commission, namely:

- (a) Overlay District projects (Article XII); and
- (b) Special District projects (Article XIII).

1504 Fee For Zoning Permit

1504.1 A fee, in accordance with the following schedule of amounts, shall accompany each application for a Zoning Permit.

<u>USE</u>	<u>FEE</u>
Any new construction, remodeling or renovation up to \$5,000 in cost	\$10.00
For each \$1,000 in cost over \$5,000	\$ 1.00
Accessory building, signs or fences	\$10.00

The fee for the application for a Permit for the use of land, not involving structures, including changes in the use of land shall be \$25.00.

1504.2 The Zoning Inspector shall forthwith deposit all fees with the Clerk of the Village who shall credit such fees to the credit of the General Revenue Fund of the Village.

1504.3 Every Zoning Permit shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Zoning Permit shall be kept on file in the office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

1505 Zoning Permit for Nonconforming Uses

A Zoning Permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Permit for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Zoning Inspector to issue a Permit for a lawful nonconforming use, but failure to apply for such Permit for a nonconforming use or refusal of the Zoning Inspector to issue a Permit for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance. No charge shall be made for issuing a Zoning Permit in accordance with his section.

1506 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council of the Village of Dennison. Any person, firm or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

1507 Violations - Remedies

- 1507.1 Any Permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Council of the Village of Dennison, the Permit shall be revoked by notice in writing to be delivered to the holder of the void Permit upon the premises concerned or if such holder be not found there, by posting said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Permit in accordance with this Ordinance shall be deemed guilty of violation thereof per Section 1506.
- 1507.2 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 this Ordinance or any amendment or supplement thereto, the Zoning Inspector, Solicitor, 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, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.