

## CHAPTER 1241 ENFORCEMENT

- 1241.01 General
  - 1241.02 Office of Zoning Inspector
  - 1241.03 Permits Required
  - 1241.04 Application and Issuance of Zoning Permits
  - 1241.05 Plot Plan Requirements
  - 1241.06 Site Plan Requirements
  - 1241.07 Violations
  - 1241.08 Appeal
  - 1241.09 Remedies
  - 1241.99 Penalty
- 

### 1241.01 **General**

- A. The Clerk of Council shall maintain record of all resolutions of council concerning zoning, zoning ordinances and appeals to Village Council.
- B. It shall be the duty of the Zoning Inspector to enforce the zoning code, issue zoning permits and to maintain the zoning permit record and maps.
- C. The Board of Zoning Appeals shall conduct hearings and decide on matters of zoning appeal, granting of zoning variances and exceptions to provisions of the zoning code.
- D. The Planning Commission shall be responsible for review and recommendation of zoning amendments and Site Plans (as required or requested).
- E. Village Council shall act on requests of zoning amendments and serve as the final appeal for Village action on matters of zoning.

### 1241.02 **Office of Zoning Inspector**

- A. Appointment
  - 1. The office of Zoning Inspector is hereby created for the purpose of enforcement of the zoning code.
  - 2. The Zoning Inspector shall be appointed by the Mayor subject to confirmation of Village Council. The Zoning Inspector shall report to the Village Administrator.

- B. Duties. The Zoning Inspector shall enforce this Zoning Code and be responsible for zoning administration. This shall include:
1. *Zoning Enforcement.* The Zoning Inspector will have the primary duty of enforcing violations of the zoning code. Officers and employees of the Village, especially members of the Police and Fire Departments, shall assist the Zoning Inspector by reporting to him or her new construction, reconstruction or land uses and apparent violations of this Zoning Code.
  2. *Administration of Zoning Permits.* Administration of the Zoning Ordinance shall include the review and issuance of zoning permits, enforcement of the zoning code, amendments to the zoning code, zoning appeals and the maintenance of zoning records for zoning permits, zoning violations and nonconformities, ordinances and maps.

#### 1241.03 **Permits Required**

- A. Zoning Permit. 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 permit has been issued by the Zoning Inspector.
1. A zoning permit shall be required for any of the following, except as herein provided:
    - a) Construction or structural alteration 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) Occupancy and use of vacant land.
    - d) Change in the use of land to a use of a different classification.
    - e) Any change in the use of a nonconforming use.
    - f) A zoning permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of the Ordinance or any amendments.
  2. *Legal Nonconforming Uses.* 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 Zoning Code. No charge shall be made for issuing a zoning permit in accordance with this paragraph.
- B. Building Permit. Upon approval and issuance of a Zoning Permit and before proceeding with the erection, relocation or alteration of any building or part thereof in the Village, a Building Permit for such erection, relocation or alteration shall be first obtained by the owner or the owner's agent from the Building Inspector or authorized

deputy. The permit shall be in such form as may be prescribed by Council and no person or entity shall proceed with the erection, relocation or alteration of any building unless such permit has first been obtained.<sup>1</sup>

- C. Schedule of Fees, Charges and Expenses. The Village Council shall by separate Ordinance establish a schedule of fees, charges, and expenses and a collection procedure for appeals, permits for exceptions or variances, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Fees shall be paid to the Clerk of Council in accordance with the Village Fee Schedule. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### 1241.04 **Application and Issuance of Zoning Permits<sup>2</sup>**

- A. Application. Application shall be made for a zoning permit to the Zoning Inspector, for the construction of a new building, the alteration of an existing building, use of vacant land, change in the use of land or building, or for a change in a nonconforming use as herein provided.
1. The application form and/or petition shall be provided by the Village.
  2. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- B. Plans and Specifications. The applicant for a permit shall submit with his or her application, plans and specifications of the building which the applicant intends to erect, relocate or alter. Each application shall include a Plot Plan as described in [Section 1241.05](#) (Plot Plan) or a Site Plan as described in [Section 1241.06](#) (Site Plan Requirements).
1. *Plot Plan Review.* If a Site Plan is not required according to [Section 1241.06.A](#). (When Site Plan Required), a Plot Plan shall be submitted and subject to review and approval by the Zoning Inspector. The Site Plan shall be sufficient to enable the Zoning Inspector to obtain full and complete information as to the extent and character of the work to be done. The Zoning Inspector may seek further review and recommendation from the Planning Commission.
  2. *Site Plan Review.* The Zoning Inspector shall not issue a zoning permit for any application requiring Site Plan review specifically required under [Section 1241.06](#) (Site Plan Requirements) and [Section 1246.03](#) (Site Design and Development for Special Uses) prior to review and recommendation by the Planning Commission and subsequent approval by Council when required by [Section 1246.01.C](#). (General Provision) for Special Use Review.

---

<sup>1</sup> Amended Ord. 27-2006; Effective August 1, 2006

<sup>2</sup> Amended Ord. 27-2006; Effective August 1, 2006

3. *Optional Concurrent PUD Development Plan Review.* A Site Plan may be concurrently reviewed with a PUD Final Development Plan as described in [Section 1247.03](#) (Submission of Development Plan) or a Subdivision Final Plat pursuant to Chapter 1123 of the Subdivision Regulations.
  4. *Survey.* A registered survey and/or a stake out survey for all buildings and structures shall be supplied by the applicant if deemed necessary by the Zoning Inspector.
- C. Issuance of Zoning Permit. If the proposed use or construction is in conformity with the provisions of this Code and other applicable Village Ordinances, the Zoning Inspector shall issue the Zoning Permit. Upon approval by the Zoning Inspector, no erection, removal or alteration of any building shall be made other than in conformity with submitted plans.
- D. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

#### 1241.05 **Plot Plan Requirements**

- A. A Plot Plan shall contain a complete and accurate legal description of the subject property and a general location sketch showing nearby section lines and/or roadways. The legal description shall be given by metes and bounds or by lot number and subdivision name with recorded references to same. Additionally, the Plot Plan shall show:
1. The scale of the drawing (Engineer's scale) and a north arrow pointing to the top of the drawing and placed on the right hand side of the drawing.
  2. A general location sketch showing nearby section lines and/or residential and major roadways.
  3. The name of the concerned lot plan, if any, and the lot numbers and the street address (if assigned) of the concerned and abutting properties.
  4. A complete and accurate legal description of the subject property. The legal description shall be given by metes and bounds or by lot number and subdivision name.
  5. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
  6. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
  7. The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
  8. *Screening and Landscaping Plans.* Indicate the locations, size (height), and material of all existing and proposed wooded areas, landscaping and screening by means of walls, fences or plantings proposed to effectively buffer lighting,

parking areas, and loading areas or docks on the subject property. Where a proposed subject residential property will adjoin one or more main traffic arteries or will be located adjacent to an existing agricultural, commercial, or industrial use or district, the Plot Plan shall indicate how the view or other elements of the existing, adjacent property shall be suitably screened or buffered. The plan shall also indicate how the external areas of structures will be landscaped and maintained.

9. 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 previously been used to provide required yard space or lot area for another structure.
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.

#### 1241.06 **Site Plan Requirements**

Site plans shall accompany the application for a Zoning Permit and shall be subject to review and approval by the Planning Commission.<sup>3</sup>

A. When Site Plan Required. Site plan review and landscaping shall be required under the following conditions:

1. For all multi-family and non-residential uses which are original uses.
2. A change in use.
3. When a building or structure is erected, changed, or enlarged by fifty (50) percent or more or five thousand (5,000) square feet or greater in floor area.
4. When ten (10) or more parking spaces are added or a parking lot is expanded by four thousand (4,000) square feet or greater.
5. For all Special Uses pursuant to [Section 1246.03](#) (Site Design and Development for Special Uses).<sup>4</sup>

B. Submission Requirements. The following standards shall apply and shall be consistent with all provisions in the Zoning Code.

1. *General Requirements.* The Site Plan shall meet the following format requirements:
  - a) Twelve (12) copies of the plan drawn on blueline or blackline prints on paper no larger than 24" X 36".<sup>5</sup>

---

<sup>3</sup> Amended Ord. 27-2006; Effective August 1, 2006

<sup>4</sup> Amended Ord. 27-2006; Effective August 1, 2006

- b) A good quality black and white reproducible, PMT or velox reduction of the original print shall be submitted at a size ranging from 8 ½" by 11" to 11" by 17".
- c) A formal letter of submittal shall accompany the Site Plan. The letter should give reference to a case file number if one has been assigned for the property and shall provide the name, address and phone number of any parties who should be informed of the progress of the request. Parties to be notified should include the land owner, developer, attorney, architect, engineer, landscape architect or other appropriate consultant.
- d) All Site Plans shall have a title and indicate the type of request being made, i.e. a request for a zone change, special use permit, etc.
- e) The Site Plan shall indicate the scale of the drawing and shall use an engineer's scale. The Site Plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing.
- f) A general location sketch showing nearby section lines and/or residential and major roadways shall be provided. The location map and Site Plan orientation should be identical.
- g) The Site Plan shall be accompanied by a complete legal description of the subject property.

## 2. *Specific Requirements*

- a) The Site Plan shall show the zoning classification(s) and existing uses of the subject property and all abutting property.
- b) The Site Plan shall indicate by name all adjacent roadways. The Site Plan shall show both right-of-way and pavement widths measured from the centerline of the roadway.
- c) The Site Plan shall indicate the dimensions of the property.
- d) The Site Plan shall show the dimensions of existing and proposed buildings to be removed or constructed or other alterations to occur on the property. The Site Plan shall indicate the distance of existing and proposed structure(s) to the right-of-way line and the distances of the structure(s) to the side and rear property lines. It shall also show the approximate location of buildings and driveway locations opposite to and adjacent to the subject property.
- e) The site plan shall indicate a Landscaping and Screening Plan in accordance with [Section 1257.09](#) (Landscaping and Screening

---

<sup>5</sup> Amended Ord. 27-2006; Effective August 1, 2006

Regulations), the Village Street Tree Ordinance, and other landscaping provisions of this Ordinance.<sup>6</sup>

- f) The Site Plan shall indicate the locations, size (height), and material of all existing and proposed fencing and/or walls on the subject property.
- g) The Site Plan shall show the location, height and dimensions of existing or proposed signs on the property.
- h) The Site Plan shall indicate the width(s) and location(s) of existing or proposed sidewalks if any and drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat.
- i) Site plans shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, the two-foot (2') contours and the 100-year high water elevation shall be shown on the Site Plan. Information on this requirement may be obtained from the Lucas County Engineer's Office.
- j) The Site Plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- k) The Site Plan shall show existing and proposed sanitary and storm sewers, water mains and the location(s) of fire hydrants if present. In the event these improvements are not available, the Site Plan shall indicate the location of proposed or existing wells and/or on-lot sewage systems both on-site and on abutting parcels.
- l) The Site Plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, i.e., treated gravel, asphalt or concrete shall be indicated. If the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.
- m) A Site Plan with a proposed drive-thru window operation shall indicate where the vehicles will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and/or drive-up window.

#### C. Review by Planning Commission

1. Site plans shall be filed with the Zoning Inspector. The Zoning Inspector shall transmit the completed Site Plan including all Specific Requirements of this Section to the Planning Commission for review and recommendation.

---

<sup>6</sup> Amended Ord. 27-2006; Effective August 1, 2006

2. The date the Planning Commission accepts the Site Plan shall constitute the official filing date.
3. No permit shall be issued for any use or change in use prior to the review and recommendation of the Site Plan by the Planning Commission. Conditions or modifications may be attached to these plans.
4. The review time for Site Plans, generally shall be in keeping with the time requirements established for zoning changes.
5. Any change in the Site Plan once approved shall require a review by the Planning Commission.

#### 1241.07 **Violations**

- A. If the Zoning Inspector determines that the work under a lawful zoning permit issued by the Village is not proceeding according to the plans and specifications upon which the permit was issued, but is proceeding in violation of any of the provisions of this Zoning Code, the Zoning Inspector shall notify the owner or his or her agent, in writing, that the work is being constructed in violation of the permit and this Zoning Code and that the same shall be immediately rectified to conform to such permit and this Zoning Code.<sup>7</sup>
- B. If the owner neglects to comply with such notice or to make such correction within ten (10) days, the Zoning Inspector shall revoke such permit, and notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work and posted on the premises referred to in such permit. Such notice shall be in writing and shall be signed by the Zoning Inspector.
- C. After such revocation, no contractor or worker shall perform any work in or about such building or premises.

#### 1241.08 **Appeal**

- A. Any person aggrieved by the enforcement of this Zoning Code shall have the right to appeal to the Board of Zoning Appeals. The appeal shall be made in writing within twenty (20) days of notice of adverse decision. The procedure for filing of the appeal shall be in accordance with [Section 1242.06](#) (Procedures for Appeal) of this Ordinance.
- B. The application for the appeal shall include:
  1. A statement citing applicable Sections of this Ordinance which are being appealed.
  2. The particular grounds thereof upon which the applicant is seeking minimum relief from the provision of the Ordinance. The applicant must show with particularity the basis of the hardship or practical difficulty that the Ordinance is imposing upon the applicant.

---

<sup>7</sup> Amended Ord. 27-2006; Effective August 1, 2006



3. The appeal and all applicable documentation shall be filed with the Zoning Inspector.
4. The Zoning Inspector shall forward all documentation to the Board of Zoning Appeals for determination in accordance with provisions under [Chapter 1242.06](#) (Procedures for Appeal).

#### 1241.09 Remedies

- A. 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 Zoning Inspector, 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 the said notice or 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.
- B. In case any building is or is proposed to be located, erected, constructed, reconstructed, relocated, altered, enlarged, changed, repaired, converted, maintained, or any land is used or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Village Solicitor, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, actions, administrative proceeding or legal proceeding to prevent, enjoin, correct, abate, or remove such violation.<sup>8</sup>

#### 1241.99 Penalty

- A. Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Zoning Code shall be fined not more than five hundred (\$500.00) dollars or imprisoned not more than thirty (30) days, or both, for each offense.
- B. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- C. The owner of any building or premises or part thereof where anything in violation of this Zoning Code is placed or exists, and any architect, builder, contractor, agent, corporation or other person employed in connection therewith who or which may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

---

<sup>8</sup> Amended Ord. 27-2006; Effective August 1, 2006