

1500 Administration and Enforcement

A. Intent:

Procedures for administering, interpreting and enforcing this Ordinance are herein established in order to achieve, among other, the following purposes:

1. To provide for the review of an application for a zoning permit;
2. To provide for the inclusion of necessary facilities, services and other uncommon uses through Conditional Use Permits;
3. To provide for the inclusion of uses which are uncommon but which have characteristics similar to permitted main uses;
4. To assure that in the construction of new buildings, alterations or change of use, all required provisions have been complied with the purpose and intent of this Zoning Ordinance.

In administering this Ordinance, the provisions shall be regarded as established minimum requirements and shall be used specifically to further the underlying purposes, objectives and the intent set forth in the preamble of each Section.

B. General Procedures

1. The administration of this Ordinance is vested in the following officials, Commissions, and Board of the Village of Metamora, Ohio.

a. Zoning Inspector

b. Planning Commission

c. Board of Zoning Appeals

d. The Mayor and Village Council

2. Compliance with the provisions of this Ordinance shall be obtained by applying for the issuance of a zoning permit including the following, if applicable:

a. A Conditional Use Permit

b. Determination of Similar Use

c. Approval of a Development Plan

d. An interpretation of a Request for a Variance

3. Enforcement of the provisions of this Ordinance shall be obtained by inspection and order for removal of violations. Failure to comply with such order shall constitute an offense which may be followed by civil action.

C. Zoning Permits:

Excavations for building or site improvements shall not be started, or buildings, or structures or parts thereof, shall not be erected, altered, or moved until a zoning permit has been applied for and issued by the Zoning Inspector.

1. Approval of Development Plans: Whenever such plan has been submitted by the developer as required by this Ordinance, the preliminary plan and final plan of the development area shall have been approved by the Planning Commission before a zoning permit may be issued by the Zoning Inspector.

2. Compliance with Zoning Regulations: Permits for the construction of a building or land improvements or change in use may be issued by the Zoning Inspector only if the work described in an application clearly complies with all provisions on the Zoning and other Ordinances of the Village of Metamora, Ohio. If the proposed building or use does not clearly comply, the Zoning Inspector shall not have the power to grant variances or make exceptions unless specifically so empowered by this Ordinance.

3. Conditional Use Permit: Whenever a determination for a "Conditional Use" is required, a zoning permit for the building or use requiring a Conditional Use Permit shall not be issued until such permit has been applied for and issued by the Planning Commission.

4. Determination of Similar Uses: Whenever a determination for a "Similar Use" is required, a zoning permit for the building or use shall not be issued until the inclusion of said use as a permitted use as a permitted use has been made by the Planning Commission and approved by Council.

D. Withholding Permits

1. Amendment Pending: No zoning permit or certificate of occupancy shall be issued during the period in which an amendment which would affect the building or use applied for has been recommended by the Planning Commission or introduced by the Council; provided however, an application for a permit or certificate shall not be withheld for more than ninety (90) days after the application was officially submitted.

2. Non-conforming Lot: No zoning permit shall be issued for a one (1) or two (2) family dwelling unless the residential lot shall abut upon a public street; the utilities, pavement and all other required improvements have been constructed, or their construction guaranteed; the lot be located in a duly recorded subdivision, or approved by the Planning Commission and no plat required, or subdivided in accordance with the provisions of Section 700 so as to conform with the requirements of this Ordinance.

E. Required Drawings:

Application for zoning permit shall be accompanied by:

1. A plat showing dimensions of the lot to be developed, lot number of subdivision, and subdivision building restrictions, if any. The Zoning Inspector may require that the premises be surveyed by a registered surveyor.

2. A site plan, drawn to scale, showing the location of proposed and existing buildings, driveways and parking areas, and proposed finished grades; also the location and use of buildings or adjoining lots within distances specified in other sections of this Ordinance. For residential developments, the size and location of a garage shall be shown.

F. Application for Permits

1. Application for zoning permits and accompanying drawings shall be submitted to the Zoning Inspector. The Zoning Inspector shall submit to the Planning Commission those applications which require its approval. The Zoning Inspector shall either approve or refer zoning permits to the Planning Commission within ten (10) days of submission to the Zoning Inspector, and the Planning Commission shall take action on all permits within thirty (30) days of referral to them.

2. Approval: The Zoning Inspector, having received a report of approval from the Council and Planning Commission, as may be applicable, and finding the drawings, specifications and all documents comply with this Ordinance and other relevant Ordinances of the Village, may issue, upon payment of required fees, a zoning permit.

3. Disapproval: If the Council, Planning Commission, or the Zoning Inspector does not recommend approval of the application, they shall suggest changes in the drawings as may be necessary to accomplish the purpose of this Ordinance. In such instances, conferences with applicants may be held and the application revised or resubmitted, as may be required.

G. Conditional Use Permits:

Conditional Use Permits shall be required for certain types of main uses as defined in Section 400 and other sections of this Ordinance, generally publicly operated or a facility which effects the public interest. Such use may be permitted and desirable in certain districts but not without consideration in each case of the effect of the use upon neighboring land and the public need for a particular use at the particular location. The application of the planning standards for determining the location and extent of such use in a planning function and not in the nature of a variance or appeal.

Enumerated throughout this Ordinance are certain uses and the districts in which conditional uses may be permitted providing the following standards are fulfilled and a Conditional Use Permit is granted by the Planning Commission.

1. Application for such permits received from the proponent shall be submitted by the Zoning Inspector to the Planning Commission. The Planning Commission shall hold a hearing thereto, notice of which may be published in a newspaper of general circulation, or mailed to the owners of the property contiguous to and across the street from the parcel for which a Conditional Use Permit is requested, at least fifteen (15) days prior to the hearing. The Planning Commission shall take action upon such application within thirty (30) days after the date of receiving said application. Failure to act within such period shall be deemed approval.

2. Standards for Evaluating Conditional Use Permits: An application for a Conditional Use Permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

Residential Districts

a. That the proposed use is properly located in relation to any adopted Land Use or Area Plan, particularly to the secondary and local streets and pedestrian circulation;

b. That when located on a local street, the traffic volume is minimal through residential neighborhoods;

c. That the proposed use is necessary to serve the surrounding residential areas which cannot be served satisfactorily if the same use is located in a nearby less restrictive district where it may be permitted by right;

d. That the location, design and operation of such use will not discourage the appropriate development or impair the value of the surrounding residential district; and

e. That for temporary structures, every Conditional Use Permit shall be reviewed every six (6) months and may be renewed only while the construction operations are pursued diligently.

Business Industrial Districts

a. That the proposed use be necessary to serve the community needs and that existing similar facilities located in a less restrictive, or more remote district in which the use may be permitted by right, are inadequate;

b. That the proposed use be not closer than appropriate in the particular situation to schools, churches, and other places of assembly;

c. That the location, extent and intensity of the proposed use, shall be such that its operation will not be objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations or glare than is normally permitted by the performance standards of the district;

d. That the proposed use may be permitted in a more restrictive district than in which it is permitted by right only because of its limited extent, modern equipment and processes; and

e. That the hours of operation and concentration of vehicles in connection with the proposed use will not be more hazardous or dangerous than the normal traffic of the district.

Safeguards and Conditions:

In addition to complying with the general standards set forth in this subsection, conditions appropriate to each particular application may also be set forth in the permit.

The Approval of a Conditional Use Permit shall become null and void if the construction of the building or site improvements are not started within a six (6) month period after the date of approval.

Determination of Similar Uses:

All applications for permits for a building or use not specifically listed in any of the permitted buildings or use classifications in any of the districts shall be submitted to the Planning Commission, and, after approval by it, approved by Council in compliance with the following standards:

a. That such use is not listed in any other classification or permitted building or uses;

b. That such a use is more appropriate and conforms to the basic characteristics of the classification to which it is to be added than to any other classification;

c. That such use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and

d. That such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

H. Enforcement:

The duty of administering and enforcing the provisions of the Zoning Ordinance is hereby conferred upon the Zoning Inspector. The Zoning Inspector may promulgate rules and regulations as he may determine necessary to supplement the administration of the Ordinance. After certification by the Council, such rules of the Zoning Inspector shall have the same force and effect as the other provisions of this Ordinance.

1. Inspection and Order for Removal of Violation:

The Zoning Inspector is hereby empowered to enter any premises at a reasonable time to inspect a reported violation of the Ordinance, to examine and order, in writing, the remedying of any condition found to be existing in violation of any provisions of this Ordinance. After such an order is served or posted on the premises, no work, except to correct or comply with said violation, shall proceed on any building or tract of land until said violation is corrected.

2. Offense and Non-compliance:

A person or corporation shall be guilty of a minor misdemeanor where a violation of any of the provisions of this Ordinance exists in any structures, building or tract of land; where an order to remove any such violation has been served on the owner, agent, lessee, or tenant of the structure, building or tract of land, or part thereof, or upon the architect, building contractor or any person who commits or assists in any such violation; and where such person or corporation shall fail to comply with such order within ninety (90) days after the service of notice thereof.

3. Civil Action:

In the event any building or structure is being erected, constructed, altered, repaired, or maintained in violation, the Village provisions of this Ordinance, or there is an imminent threat of violation, the Village or the owner of any contiguous or neighboring property who would be especially damaged by such violation may institute and maintain, in addition to any other remedies provided by law, a suit in the Court of Common Pleas of Fulton County for an injunction to terminate or prevent such violation as a public nuisance.

4. Records and Reports:

The Zoning Inspector shall keep or cause to be kept, a record of any decisions, determinations or conclusions reached by the Inspector in connection with the enforcement of the Zoning Ordinance. Such records shall be open to public inspection during regular business hours.