

CHAPTER 3: ZONING PERMITS

3.01 Purpose

This chapter stipulates the policy and procedure to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

3.02 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of these Regulations unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, or finding of substantially similar use, or from Village Council, approving a Planned Unit Development District, as provided by this Ordinance.

3.03 Contents of Application for Zoning Permit

The application for a zoning permit shall be made in writing and 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 permit shall expire and may be revoked if work has not begun within ninety (90) days or substantially completed within one (1) year. At a minimum, the application shall contain the following information, be accompanied by all required fees and homeowner association approvals (where required):

- (1) Name, address, and phone number of applicant;
- (2) Legal description of property;
- (3) Existing use
- (4) Proposed use;
- (5) Zoning district;
- (6) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- (7) Building heights;
- (8) Number of off-street parking spaces or loading berths, and their layout;
- (9) Location and design of access drives; Number of dwelling units;

- (10) If applicable, application for such additional permits as may be required;
- (11) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

3.04 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a permit, to be posted in a conspicuous place or the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

3.05 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within one year of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

3.06 Certificate of Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Ordinance.

3.07 Reserved for future use

3.08 Record of Zoning Permits and Certificates of Compliance

The Zoning Inspector shall maintain a record of all zoning permits and certificates of compliance, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

3.09 Failure to Obtain a Zoning Permit or Certificate of Compliance

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Ordinance.

3.10 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized use shall be deemed a punishable violation of this Ordinance.

3.11 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, investigate it, and take action thereon as provided by this Ordinance.

3.12 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance.

3.13 Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, or violation of a stop work order shall constitute a punishable violation of this Ordinance.

3.14 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

3.15 Notice of Violation

- (1) Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a notice shall be issued and shall serve as a notice of violation. Such order shall:
 - (a) Be in writing;
 - (b) Identify the violation;
 - (c) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 - (d) State the time by which the violation shall be corrected. Violations shall be corrected within 20 days of the date of notice.

- (2) Service of notice of violation shall be as follows:
 - (a) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - (b) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - (c) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

3.16 Final Notice of Violation

- (1) Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a notice shall be issued and shall serve as a notice of violation. Such order shall:
 - (a) Be in writing;
 - (b) Identify the violation;
 - (c) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 - (d) State the time by which the violation shall be corrected. Violations shall be corrected within 10 days of the date of notice.
- (2) Service of notice of violation shall be as follows:
 - (a) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - (b) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
 - (c) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

3.17 Summons Procedure

If, upon re-inspection following the issuance of a notice of violation, the condition has either not been corrected or the owner has made no effort to work out an agreeable plan of correction with the Zoning Inspector, the person or persons responsible shall be issued a summons. Such summons shall:

- (1) Be served personally;
- (2) Be in writing on an approved form from the Clerk of the Maineville Mayor's Court;
- (3) Identify the violation;
- (4) State the time, date and place for appearance in court;
- (5) Summons shall be delivered by the Maineville Police Department or other department of jurisdiction.

3.18 Penalties and Fines

Any violation of this Ordinance shall constitute a minor misdemeanor. Each day a violation occurs or continues shall constitute a separate offence. Furthermore, the owner or tenant of any building, structure, premise or part thereof, and any architect, engineer, builder, contractor agent, or other person who commits, participates in, assists in or maintains any violation of the Ordinance may each be guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall be assessed against the violator.

The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.

3.19 Rights and Remedies Reserved

Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.