

AN ORDINANCE AMENDING CHAPTER 151: §151.182 ZONING PERMITS
AND §151.183 CERTIFICATE OF COMPLIANCE

WHEREAS, this amendment was heard by the Village of Marvin, Village Council in a public meeting on June 30, 2016.

NOW, THEREFORE, be it Ordained by the Village Council for the Village of Marvin that:

Section 1. The Code of Ordinance, Section §150.182 is amended to read as follows:

§151.182 ZONING PERMITS

(A) *Overview.*

- (1) This section provides the means and processes by which an applicant obtains permits required to begin construction, development or land-use activity within the Village of Marvin's jurisdiction.
- (2) The following is an overview of the steps involved in a conventional district rezoning process:
 - (a) Application, Fees, Submittal Requirements
 - (b) Administrative Review / Outside Agency Review
 - (c) Administrative Permit Issuance

(B) *Purpose.* Zoning Permits are required to ensure structural plans have obtained requisite approvals, comply with all relevant ordinances, as well as any other applicable Village requirements and applicable conditions of approval prior to any alteration of the lands, structure or change in use. Building permits shall not be issued until a Zoning Permit has been issued in accordance with this section.

(C) *General Provisions.*

- (1) It shall be unlawful to commence the erection, movement, extension enlargement or structural alteration of any building, sign (except as permitted in §151.141), or other structure or retaining wall 48 inches tall or higher, or change and commence any use, or commence any temporary use, until the Zoning Administrator has issued a zoning permit for such work or authorized a new use or change in use. Building permits shall not be issued until a Zoning Permit has been issued in accordance with this section.
- (2) No Zoning Permit shall be issued until all requisite approvals for subdivisions, non-residential uses, development or conditional use permits have been obtained by the Council. No Zoning Permit shall be issued for an individual building, structure, sign or use in a conditional district, or for a nonresidential use, until the Planning Board and the Council have approved Specific Site & Design Plans in accord with section §151.215.
- (3) All permits shall be issued in conformity with the provisions of the ordinance and approved site plan conditions, except where the Zoning Administrator receives a written order from the Zoning Board of Adjustment in the form of an interpretation involving error or variance.
- (4) The Zoning Administrator shall not issue zoning permits for a structure which is in violation of Village ordinances, conditions of approval or prior permits for so long as the violation remains uncorrected and/or remedies remain unpaid. Additionally, the Zoning Administrator shall not issue zoning permits for a structure located on a property which is in violation of Village ordinances, conditions of approval or prior permits for so long as the violation remains uncorrected and/or remedies remain unpaid.
- (5) For residential uses, alter does not include minor improvements that do not require a permit from the county. This may include, but is not limited to minor/cosmetic improvements such as painting or replacing shingles on a roof.
- (6) For nonresidential uses, alter does include the change of occupancy, use or tenant in a building. The Zoning Administrator must determine whether the use is permitted in the zoning district and must determine compliance with zoning ordinances, conditions of approval and provisions for adequate

parking are met. Notwithstanding, nonresidential uses shall also require Design Review and Approval, pursuant to §151.215.

(D) *Process.* When all requisite site plan approvals for land development have been obtained in accord with Village ordinances, vertical construction plans may be approved in accord with the regulations and procedures outlined in this section:

(1) *Application and Fee and Submittal Requirements.* The review process outlined herein commences upon the receipt of an application filing form, the requisite application fee per the adopted Fee Schedule, and all required items, documents, details, site plans, maps, elevations, and reports outlined in §151.182(E) of this ordinance. The sum total of all required items listed in §151.182(E) shall be known and referred to as the Application.

(2) *Application Completeness, Accuracy and Sufficiency.* An Application shall be considered complete and ready for processing upon submission of a completed Application, an Application filing form, requisite fees per the Fee Schedule, and the provision of all required items in §151.182(E). Once an Application is received by Village Hall, the Zoning Administrator responsible for reviewing the application shall, within ten (10) days, determine whether the application is complete in accord with the outlined provisions:

(3) *Administrative Approval and Review.*

(a) Once the Zoning Administrator deems an Application complete, the Zoning Administrator shall evaluate the Application and all submitted plans and documents.

(b) The Zoning Administrator shall have up to ten (10) days to examine the plans and evaluate their level of compliance with conditions of approval, ordinances and prior permits. The Zoning Administrator shall review the Application, examine the plans and specifications, and may inspect the premises upon which the proposed structure is to be built.

(c) The Zoning Administrator may also provide plans to engineers, consultants or outside agents as needed, to assist with the Application's evaluation and assessment. Assessment and evaluation expenses shall be reimbursed by the applicant.

(d) A permit shall be issued or denied within ten (10) working days of receipt by the Zoning Administrator of a complete application pursuant to §151.182(D)(3), unless a Conditional Use Permit is required pursuant to §151.100 - 151.109, in which case the applicant shall be provided with the relevant information. Failure to issue a Zoning Permit shall constitute denial of the permit Application.

(e) If the Zoning Administrator has determined the Application is complete and all plans and details are compliant with site plan approvals, ordinances, development standards, conditions, prior permits, the Zoning Administrator shall issue the Zoning Permit.

(f) If the Zoning Administrator has determined the application, or any part thereof, to be non-compliant, or incomplete, the applicant shall be notified in writing. The correspondence shall describe the application's deficiencies and shall deny the Zoning Permit. No further processing or review of a non-compliant or incomplete application shall occur until the applicant provides missing elements or makes necessary corrections. The Application may then be re-submitted for reassessment and a new determination.

(4) *Effect of Approval.*

(a) Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in the approved plans and applications. Use, arrangement or construction that differs from that authorized shall be deemed a violation of this chapter and shall be subject to sanctions indicated in §151.999.

(b) After obtaining Zoning Permit approval from the Zoning Administrator, the applicant may obtain building permits from Union County. All building inspections in the Village shall be conducted by Union County officials.

(c) *Records.* The Zoning Administrator shall maintain a record of all zoning permits; including a copy of the permit, plans, documents and conditions. Copies of the Application shall be available for a period of six years or pursuant to the adopted retention schedule.

(d) *Expiration of Zoning Permit.* Any Zoning Permit shall become invalid unless the work authorized by the permit has substantially begun within six months from the date of issue. Once a Zoning Permit has expired, construction work on the lot(s) in question may not proceed until a new Zoning Permit is issued.

(e) *Foundation Surveys.* Upon construction of a building foundation (subsequent to the issuance of a zoning permit for that building or structure), the applicant shall be required to submit a copy of the foundation survey of that building or structure to the Zoning Administrator in order to ensure the foundation is in accordance with all applicable setbacks and bulk requirements. The foundation survey, in scaled form and which has been certified as being accurate by a surveyor or engineer registered with the state, shall show the location of the foundation on the lot and all applicable front, side and rear yard setbacks. Failure to submit this foundation survey may result in the denial of a certificate of compliance.

(5) *Effect of Denial.*

(a) After a permit has been denied, the applicant may revise their plans and re-submit an application in accord with the procedures outlined in §151.185(D).

(6) *Right of Appeal.*

(a) If a request for a zoning permit is denied, the applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment.

(b) Appeal or denial of a zoning permit must be made in writing and must specify the grounds thereof and the Zoning Administrator must receive the appeal within 30 days after notice was mailed or hand delivered.

(E) *Application Requirements.* An application requiring approval per the provisions of this section shall not proceed through the review process without a Zoning Permit application filing form, the submission of requisite fees, and the provision of all documents, details, site plans, maps, elevations, items and reports required per the following list of submittal requirements:

(1) *Application Filing Form:* A complete application filing form.

(2) *Application Fee:* Per the adopted Fee Schedule.

(3) *Nonresidential Uses.* Two copies of a scaled dimensional plan drawn and certified as true and correct by a surveyor or engineer registered with the state, which shows:

(a) The exact shape, dimensions and location of the lot to be built upon;

(b) The exact shape, dimensions, use and location of existing structures on the land;

(c) The exact shape, dimensions and location of the structure(s) to be developed upon the lot;

(d) All setback lines on the lot once the proposed construction is completed;

(e) Proposed parking facilities (if required);

(f) Landscaping and buffering plans (if required);

(g) A site plan, floor plan and structure elevations; and

(h) Any other information that may be needed to ensure that the proposed building and/or use is in compliance with all applicable provisions of this chapter.

(4) *Single-family Residences.* Two copies of a scaled dimensional survey drawn and certified as true and correct by a surveyor engineer registered with the state, which shows:

(a) The exact shape, dimensions and location of the lot to be built upon;

(b) The exact shape, dimensions, use and location of existing structures on the lot; and

(c) A site plan, floor plan and structure elevations; and

(d) Upon this survey shall be sketched the following:

1. The exact shape, dimensions and area of proposed location of the proposed structure(s) to be placed upon the lot;
2. All setback lines on the lot once the proposed residence is completed, affirmatively showing that the area of proposed location will meet all setback requirements; and
3. Any other information that may be needed to ensure that the residence is being constructed contains ten acres or more, then the person applying for the zoning permit shall not be required to provide a drawing certified by an engineer or surveyor, but shall be allowed to present a non-certified sketch in lieu thereof; provided that the residence is not to be located closer than 200 feet from any of the boundaries of the tract. In the event that the proposed residence is to be located closer than 200 feet from any of the boundaries of the tract, then the applicant shall submit a certified survey with respect to those boundaries only. The sketch submitted shall in all other respects comply with the requirements set forth above.

(5) *Accessory Buildings or In-Ground / Above-Ground Swimming Pools on Residential Property and Buildings for Agricultural Purposes.* Two copies of a scaled dimensional survey drawn and certified as true and correct by a surveyor engineer registered with the state, which shows:

- (a) The shape, dimensions and location of the lot to be built upon;
- (b) The shape, dimensions, use and location of existing structures on the lot;
- (c) The shape, dimensions and location of the accessory or agricultural structure(s) to be placed upon the lot;
- (d) All setback lines on the lot once the proposed accessory building is completed; and
- (e) A site plan, floor plan and structure elevations; and
- (f) Any other information that may be needed to ensure that the proposed accessory structure(s) will be in compliance with all applicable provisions of this chapter.

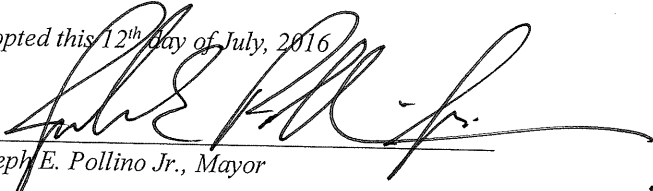
Section 2. The Code of Ordinance, Section 151.183 is amended to read as follows:

§151.183 CERTIFICATE OF COMPLIANCE

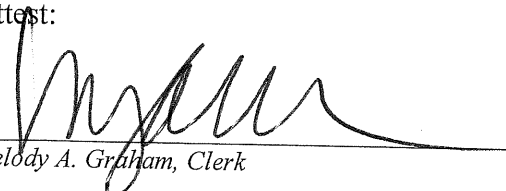
(A) *Generally.* No building hereafter erected or structurally altered or changed in use shall be used or occupied until the Zoning Administrator has issued a Certificate of Compliance. The Certificate of Compliance shall state that the building, or portion of a building, is compliant with the provisions of this Ordinance, any permit previously issued and all applicable conditions of approval. No Certificate of Compliance shall be issued for development in a Conditional District, or for a nonresidential use unless Specific Site & Design Plans have been reviewed and approved in accord with Design Review procedures in §151.215.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted this 12th day of July, 2016


Joseph E. Pollino Jr., Mayor

Attest:


Melody A. Graham, Clerk

