

CHAPTER 1109
Administration and Enforcement

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CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Building permits and fees - see BLDG. Ch. 1309

1109.01 ZONING INSPECTOR OR DULY APPOINTED AUTHORITY.

(a) It shall be the duty of the Zoning Inspector to enforce this Zoning Code. It shall also be the duty of all officials and employees of the City to assist the Zoning Inspector by reporting to him upon new construction, reconstruction or land uses or upon seeming violations.

(b) Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals as provided in Chapter 1111.
(1980 Code 150.110)

1109.02 REMEDIES FOR VIOLATION.

In case any building is or is proposed to be located, erected, constructed, reconstruction, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Zoning Code or any amendment or supplement thereto, the Zoning Inspector, the City Director of Law, or any adjacent or neighboring property owner who would be specially 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.
(1980 Code 150.111)

1109.03 ZONING CERTIFICATES.

(a) It shall be unlawful for an owner to use or to permit the use of any structure, building, land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Zoning Code. 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 Zoning Code. All zoning certificates shall expire two years after their issuance unless construction has reached twenty-five percent (25%) of completion.

(b) Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Zoning Code 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 certificate in accordance with this section.

(c) Zoning certificates for development within the Planned Industrial Park District shall be issued only by the Planning and Zoning Commission or its agent duly designated. Such certificates shall be issued within twenty days after a written request has been made to the Zoning Inspector or his agent.
(1980 Code 150.112)

1109.04 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED.

A zoning certificate shall be required for any of the following, except as herein provided:

- (a) Constructional alteration of any building;
- (b) Change in use of existing 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; and
- (f) All unlawful nonconforming uses of land or buildings created by adoption of this Zoning Code or any amendments.
(1980 Code 150.113)

1109.05 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES.

(a) Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. The certificate shall be issued within ten days after a written request for it has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Zoning Code.

(b) Written application for a zoning certificate for the use of vacant land, a change in the use of land or of a building, or 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 Zoning Code, the certificate therefor shall be issued within fifteen days after the application for it has been made.

(c) Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings 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 an actual survey.

(d) Each plan shall 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 properties;
- (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, and 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 Zoning Code.

(e) 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.

(f) 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 engineer or surveyor.

(g) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

(h) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

(i) The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review by the Planning and Zoning Commission, namely:

- (1) Planned Neighborhood Districts (see Chapter 1147);
- (2) Mobile home parks (see Section 1137.01);
- (3) Integrated commercial centers (see Section 1141.01);
- (4) Integrated office, research, and restricted industrial centers (see Section 1141.02);

Unless the proposed site plan has been approved by the Planning and Zoning Commission and any necessary zone changes are passed by Council.
(1980 Code 150.114)

1109.06 FEES FOR ZONING CERTIFICATES.

(a) A fee in accordance with the following schedule shall accompany each application for a zoning certificate:

Zoning Certificate Type	Effective 01/01/02	Date
Single-family dwelling	\$ 35.00	
Two-family dwelling	\$ 35.00	
Multiple dwelling	\$ 40.00	
Each additional family unit in excess of three	\$ 5.00	
Maximum fee for a multiple dwelling shall not exceed	\$100.00	
Commercial, industrial or institutional	\$ 35.00	
Mobile home park	\$ 50.00	

The fee for the application for a certificate for the use of land, not involving structures, including changes in the use of land shall be thirty-five dollars (\$35.00).
(Ord. 01-77. Passed 12-17-01.)

(b) The Zoning Inspector shall forthwith deposit all fees with the Finance Director who shall credit such fees to the credit of the General Revenue Fund of the City.

(c) Every zoning certificate 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 certificates 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.
(1980 Code 150.115)

1109.07 APPLICATION FEES.

(a) Filing fees and service charges for all types of applications, permits and lot split reviews shall be paid as set forth in this section.

(b) All fees and service charges listed are to cover investigation, legal notices, acquiring data, preparing necessary maps and plats, and other expenses incidental to the determination of the matter in question.

(c) Once the correct filing fee or service charge has been paid for a specific application, item or purpose, it shall not be refundable nor creditable towards any other filing fee or service charge.

(d) Fees shall be paid to the Finance Director for deposit in the General Fund of the City. (1980 Code 150.137)

(e) Whenever a City official or employee or an authorized representative of another government agency or charitable organization duly organized under the laws of the State of Ohio submits an application or requests a service which requires a fee, if, in the opinion of the Director of Public Service, such application or service is for the sole benefit of the City, such application or service may be exempt from the fee or service charge listed in this section.

(f) The schedule of fees and service charges require by this section is as follows:

Application Type	Effective Date 01/01/02
Sketch Plan	\$ 750.00
Rezoning (excluding PUD/PND/M-5)	\$1000.00
Each additional lot over 100 lots	\$ 20.00
M-5 Site Plan/PUD/PND Final Development Plan	\$ 850.00
PUD/PND Modification:	
Residential	\$ 100.00
Commercial	\$ 250.00
Preliminary Plat	\$ 500.00
Each additional lot over 100 lots	\$ 20.00
Final Plat	\$ 750.00
Each additional lot over 50 lots	\$ 20.00

Application Type	Effective Date 01/01/02	Effective Date 01/01/03	Effective Date 01/01/04
Lot Split:			
Residential	\$ 100.00	\$ 175.00	\$ 250.00
Commercial	\$ 250.00	\$ 400.00	\$ 650.00
Cemetery Road Corridor Overlay District	\$ 250.00	\$ 500.00	\$ 750.00
Limited Overlay	\$ 200.00	\$ 400.00	\$ 600.00
Old Hilliard Commission:			
Change in Use			
Significant Architect. Change	\$ 150.00	\$ 200.00	\$ 250.00
All Other Review	\$ 50.00	\$ 100.00	\$ 150.00
	\$ 35.00	\$ 50.00	\$ 50.00
Conditional Use (P&Z and BZA)	\$ 150.00	\$ 250.00	\$ 400.00
Temporary Use	\$ 100.00	\$ 175.00	\$ 250.00
Administrative Appeal	\$ 75.00	\$ 150.00	\$ 250.00
Variance	\$ 100.00	\$ 175.00	\$ 250.00
Shade Tree Commission	\$ 75.00	\$ 150.00	\$ 250.00

Application Type	Effective Date 01/01/02
Graphics Application Fee	\$ 75.00
Floodplain Development	\$175.00

(Ord. 01-77. Passed 12-17-01; Ord. 05-17. Passed 4-11-05.)

Fees listed herein shall not be cumulative. When an applicant files more than one application type at one time for a proposed development, the highest fee of the application type requested shall be charged to the applicant.

(Ord. 01-77. Passed 12-17-01.)

1109.99 PENALTY.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation or provision of this Zoning Code or any amendment or supplement thereto adopted by Council. Any person, firm or corporation who violates any such regulation or provision, where no other penalty is provided, shall be guilty of a minor misdemeanor. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

(1980 Code 150.999)