

VILLAGE OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 69-14

PASSED: January 12, 2015

**AN ORDINANCE TO AMEND SECTIONS 1183.02, 1183.03, AND 1183.05 OF THE CODIFIED ORDINANCES AND TO DECLARE AN EMERGENCY.**

**WHEREAS**, the Planning and Zoning Commission and Council desire to delete the parts of the Zoning Code that are no longer applicable; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on November 12, 2014 at which time it recommended approval of the proposed zoning modifications; and

**WHEREAS**, Council held a public hearing on January 12, 2015.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ THAT:**

Section 1. Section 1183.02 of the Codified Ordinances is hereby amended to read as follows:

**1183.02 CERTIFICATE OF ZONING COMPLIANCE.**

(a) Use Prohibited Without Certificate. No owner, lessee or tenant shall use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Certificate of Zoning Compliance shows that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Code.

- (1) The Zoning Inspector shall issue a Zoning Certificate provided he/she is satisfied that the structure, building and/or premises, the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all requirements of this Zoning Code, subject to approval of the Planning and Zoning Commission and/or Council where the Zoning Code requires or deems appropriate.
- (2) This section shall in no case be construed as requiring a certificate in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no alterations or additions are proposed for such building.

~~\_\_\_\_\_ (b) Temporary Uses. The following regulations are necessary to govern the operation of certain uses that are non-permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Inspector. Such applications must contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed examples of temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:~~

- ~~(1) A real estate sales office including a mobile office may be permitted within any district for any new subdivision which has been approved by Obetz. Such office shall contain no living accommodations. The permit shall be valid for six (6) months, but may be granted six month extensions if conditions warrant such renewal. Such office shall be removed upon~~



- ~~completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.~~
- ~~(2) Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit whichever occurs sooner.~~
- ~~(3) Garage sales may be permitted within any district in which dwellings are permitted in accordance with the following standards:~~
- ~~A. Only one such sale may be conducted on any parcel of real estate in any six (6) month period, which sale shall be limited to not more than three (3) consecutive days or two (2) consecutive weekends of two (2) days each. No sale may extend later than sunset.~~
- ~~B. Only one (1) sign advertising the sale may be displayed on the premise. A maximum of three (3) directional signs may be placed off the premises to direct the public to the sale. The display of such advertising and directional signs may be displayed up to twenty four (24) hours prior to the beginning of the sale. These signs must be removed within twenty four (24) hours after the sale ends. If the signs are not removed in that time, the Municipality will remove the signs and assess the property owner a fee for such removal. Such signs shall not be larger than four (4) square feet in display area, shall not be illuminated or animated, shall not be placed in a right of way of any public street or road, and shall not interfere or obstruct visibility when entering or leaving property.~~
- ~~C. Except as provided above, the provisions of this chapter shall not apply to a sale of property publicized solely by classified newspaper advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller.~~

(b) Building Permit. No building permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved.

(c) Effect of Approval. Zoning Certificates issued on the basis of plans, information and application approved by the Planning and Zoning Administrator and/or Planning and Zoning Commission authorize only the use, arrangement and construction set forth in such approved plans, information and application or approved amendments thereto, and no other use, arrangement or construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Zoning Code and punished as provided in this chapter.

(d) Approval of Health Officer. In every case where the lot is not serviced with public water supply and/or the disposal of sanitary wastes by means of public water and sewers, the application shall be accompanied by written evidence of approval by the Franklin County Board of Health as to the proposed method of water supply and/or treatment and disposal of sanitary waste.



January 12, 2015

Section 2. Section 1183.03 of the Codified Ordinances is hereby amended to read as follows:

**1183.03 APPLICATION PROCEDURE.**

(a) Application to be Made. Written application for Certificates of Zoning Compliance shall be made by the property owner(s) or lessee(s) to the Zoning Inspector

(b) Application Fee. A fee as stipulated by ordinance shall be paid by the applicant to cover the costs of review and reporting of the application, payable to the General Fund.

(c) Contents of Application. The application for a Certificate of Zoning Compliance shall contain as a minimum:

- (1) Name, address, and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).
- (2) A current survey of the property prepared by a licensed surveyor.
- (3) If a change of use is proposed, a plan drawn to scale showing:
  - A. Actual dimensions of the lot including easements;
  - B. Exact size and location of all buildings and structures on the subject lot; and
  - C. Existing and intended use of all parts of the land or buildings.
- (4) If any new development or construction is proposed, a plan drawn to scale showing:
  - A. Actual dimensions of the lot including easements;
  - B. Exact size and location of all buildings and structures on the subject lot;
  - C. Existing and intended use of all parts of the land or buildings;
  - D. Any proposed new construction and or alteration;
  - E. Proposed provisions of water, sanitary sewer facilities, surface drainage features, and underground storm drainage facilities;
  - F. Location of all other public utilities above or below ground;
  - G. Proposed grades;
  - H. Proposed top of foundation; and
  - I. Proposed driveway slope.
- (5) For all building construction projects the following shall be submitted and approved before occupancy is granted:
  - A. Verification by a registered surveyor of finished block height at the time of foundation inspection;
  - B. Verification by a registered surveyor of finished grade before sod is laid; and
- (6) **If a project is proposed in a subdivision or condominium development that has a homeowners association or condominium association, written approval from the association must be submitted with an application for a Certificate of Zoning Compliance proving that the proposed project complies with the deed restrictions of the association.**
- (7) Such other information to be determined by the Zoning Inspector and/or Planning and Zoning Commission as may be necessary to determine and provide for the enforcement of this Zoning Code.

Section 3. Section 1183.05 of the Codified Ordinances is hereby amended to read as follows:

**1183.05 ISSUANCE, ~~AND EXPIRATION~~, AND DENIAL OF PERMITS OR APPROVALS IF PROPERTY VIOLATES CODES.**

(a) Issuance. **If the application meets the requirements of the Zoning Code, an approved Certificate of Zoning Compliance shall be issued within ten (10) days of approval. One (1) copy of the plans submitted by the Applicant shall be returned.**

January 12, 2015

(b) **Expiration.** All Zoning Certificates shall be conditional upon the commencement of work within ~~one (1) year~~ **six (6) months** of issuance. If the work has not been more than fifty percent (50%) completed within one ~~and one-half (1 1/2) years~~ **year** of issuance, the certificate shall expire and be revoked by the Zoning Inspector. Written notice shall be provided to the property owners together with notice that further work as described in the canceled certificate shall not proceed unless a new certificate is issued or an extension granted.

(c) **Denial of Permits or Approvals If Property Violates Codes.** The Zoning Inspector may withhold permits and/or approvals including but not limited to, Building Permits, Certificates of Zoning Compliance, Certificates of Occupancy, Conditional Use Permits, Site Plans, Development Plans, Variances, Boundary Line Adjustments, and Preliminary or Final Plats if a violation of any of the Village's Codified Ordinances including but not limited to, Zoning and Subdivision Regulations, Housing and Property Maintenance Code, Building Code, Erosion and Sedimentation Control Regulations, and Flood Damage Reduction Regulations. The Zoning Inspector may, instead of withholding or denying a permit or approval, grant such permit or approval subject to the condition that the violation be corrected. If the violation is not corrected in the timeframe established by the Zoning Inspector, the permit or approval will be immediately void.

Section 4. This Ordinance shall be declared an emergency necessary for the public health, safety and welfare of the citizens of the Village of Obetz, such emergency arising from the need to ensure that the Village's zoning provisions are up to date and responsive to the changing needs of the community; WHEREFORE, this ordinance shall take effect and be in force from and after its passage.

Passed this 12 day of January, 2014.

ATTESTS:

Stacey Boumis  
Stacey Boumis, Clerk of Council

D. Greg Scott  
D. Greg Scott, Mayor

Angela M. Kirk  
Michael Flaherty, Council Pres. Pro-Tem

APPROVED AS TO FORM

Eve M. Ellinger  
Eve M. Ellinger, Esq., Law Director



ORDINANCE: 69-14

PASSED: January 12, 2015

**CERTIFICATION OF PUBLICATION**

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 69-14 was duly posted at 2:30 PM (time) on the 14 day of January, 2014, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.



Stacey Boumis  
Stacey Boumis, Clerk

1/14/15  
Date