

ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A Zoning Administrator (official or officials appointed by the City for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this Ordinance. They may be provided with assistance of such other persons as the City directs.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall take such action as is permitted by law.

In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the Zoning Administrator's performance of his duties as defined herein.

SECTION 16.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No public or private building or other structure shall be erected, moved, added to, structurally altered or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator's office. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
 - 1. A completed application form provided by the Zoning Administrator (in triplicate - see Appendix "A").
 - 2. The required fee for a zoning permit as provided for in Section 19.0 of this Ordinance.
 - 3. A development plan, if required by this Ordinance; or

4. A plot plan in triplicate drawing at a scale of not less than one (1) inch to one hundred (100) feet showing the following information as required by this Ordinance.
 - a. The location of every existing and proposed building with the number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions and height, and the number, size and type of dwelling units.
 - b. All property lines, shape and dimensions of the lot to be built upon.
 - c. Lot width at minimum building setback line.
 - d. Minimum Front and Rear Yard Depths and side yard widths.
 - e. Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one foot contours or spot evaluations not more than fifty (50) feet apart shall be required.
 - f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet supplemented where necessary by spot evaluations.
 - g. Total lot area in square feet.
 - h. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces, angle of stalls, and illumination facilities.
 - i. Layout, type of surfacing, cross sections and drainage plans for all off-street parking facilities.
 - j. A drainage plan of the lot area including provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.
 - k. All sidewalks, malls, and open spaces.
 - l. Location, type and height of all walls, fences and screen plantings.
 - m. Location, size, height, class, and orientation of all signs.
 - n. Location of all existing and proposed streets including rights-of-way and pavement widths.
 - o. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades.
 - p. A schedule of development including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled; and

- (4) The construction of nonresidential buildings, in order of priority.
 - q. An such other information as may be required by the Zoning Administrator to determine conformance with and provide for enforcement of this Ordinance and the Kentucky Revised Statutes.
- C. **ISSUANCE OF ZONING PERMIT:** The Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required) the Planning Commission's, or its duly authorized representative, approval or disapproval shall also be required. If disapproved, two copies of the submitted plans shall be returned to the applicant marked "Disapproved: and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

If approved, two (2) copies of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 16.9 of this Ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein,. has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No public or private building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Zoning Office. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
 - 1. A completed application form provided by the Zoning Office;

2. An approved zoning permit;
 3. The required fee for a building permit as provided for in Section 19.0 of this Ordinance,
 4. A development plan, if required by this Ordinance; or
 5. Plans in duplicate approved by the Zoning Office and including any additional information required by the Building Code as may be necessary to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.
- C. **ISSUANCE OF BUILDING PERMIT:** The Zoning Office shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Reviewer's signature. The second copy similarly marked, shall be retained in the Zoning office. The Zoning Office shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this Ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the Building Code of the City prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this Ordinance and the Building Code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be canceled by the building Inspector and no construction shall be permitted until a new building permit has been obtained.

For purposes of this section construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 12 months, providing that a six (6) month extension may be permitted if sufficient proof can be demonstrated why the work described in the building permit was not completed as herein specified.

- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and application approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed in violation of this Ordinance and punishable as provided by Section 16.9 of this Ordinance.

SECTION 16.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this Ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications and intended use conform to the provisions of this Ordinance.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this Ordinance.

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee as provided for in Section 19.0 of this Ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the Zoning Administrator by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this Ordinance.

It shall be the duty of the Zoning Administrator to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision of this Ordinance and to the plans for which the building permit was issued.

SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request to any person having a proprietary building affected by such certificate of occupancy.

SECTION 16.8 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 Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of the Ordinance shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of this violation shall constitute a separate offense.

SECTION 16.10 INTENT CONCERNING DETERMINATION INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS: It is the intent of this Ordinance that:

- A. Where investigation can be made by the Zoning Administrator or other designated County employee, at the request of the Zoning Commission using equipment normally available to the County such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Zoning Commission for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
 - 1. Causing corrections in apparent violations of performance standards;
 - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
 - 3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the Zoning Commission finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take or

cause to be taken lawful action to cause correction to within limits set by such performance standards.

SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS: If, in the judgment of the Zoning Administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

- A. The Zoning Administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Commission within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Commission within thirty (30) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this ordinance.
- B. The notice shall further state that upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the City.
- C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted, as to notify the Commission.
- D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Zoning Commission with the established time limited, the administrator shall proceed to take or cause to be taken such action as is warranted, after receiving the approval of the Commission.
- E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the Zoning Commission, but, requesting additional time, the Zoning Commission may grant an extension if they deem it warranted in the circumstances of the case and if the extension will not, in their opinion, cause imminent peril to life, health or property.

- F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the Zoning Administrator shall call in properly qualified experts to investigate and determine whether violations exist after the Commissions approval.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of Section 16.9 of this ordinance.

If no violation is found, the costs of the investigations shall be paid by the city without assessment against the properties of persons involved.