

ARTICLE XVI - ADMINISTRATION

SECTION 16.0 - ENFORCING OFFICER: A *Zoning Administrator* (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. The officer may be provided with assistance of other persons as the legislative body directs. The *Zoning Administrator* shall possess all the powers granted by KRS 100.271.

If the *Zoning Administrator* finds that any provisions of this ordinance are being violated, the officer 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.

It shall be illegal for any person or entity to interfere with the *Zoning Administrator* in the performance of his or her 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 land shall be used or *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 approved by the *Zoning Administrator*. 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*.
 2. The required fee for a *zoning permit* as provided for in Section 20.0 of this ordinance.
 3. An approved *Development Plan*, if required by this ordinance.
 4. Two copies of a plot plan, when determined necessary by the *Zoning Administrator*, drawn at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance:
 - The location of every existing and proposed *building*, including dimensions and height, and the number, size and type of *dwelling units*.
 - All property lines including the shape and dimensions of the *lot* to be built upon.
 - *Lot* width at *building setback* line.
 - Minimum front, side and rear yard *setbacks*.
 - Existing topography with a maximum of five-foot contour intervals.
 - Total *lot area* in square feet.
 - Location and dimensions of all *access points, driveways, and off-street parking spaces*.

- A drainage plan of the *lot* and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
- All sidewalks, walkways and open spaces.
- Location, type and height of walls, *fences*, and *buffer* plantings.
- Location of existing and proposed streets, including rights-of-way and pavement widths.
- All existing and proposed water, sanitary and storm sewer facilities to serve the *lot*, including pipe sizes, types, and grades.

C. ISSUANCE OF ZONING PERMIT: The *Zoning Administrator* shall either approve or deny the application (when required by this ordinance -- e.g., *Development Plan* submitted required -- the *Planning Commission*, or its duly authorized representative, approval or denial shall also be required). If denied, one (1) copy of the submitted plans shall be returned to the applicant marked “denied” and shall indicate the reasons for such denial thereon. Such denial shall be attested by the *Zoning Administrator’s* signature. The *Zoning Administrator* shall retain the other copy, similarly marked.

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked “approved.” Such approval shall be attested by the *Zoning Administrator’s* signature. The *Zoning Administrator* shall retain the other copy, similarly marked. The *Zoning Administrator* shall also issue a *zoning permit* to the applicant at this time and shall retain a duplicate copy.

D. FAILURE TO COMPLY: Failure to obtain a *zoning permit* shall be a violation of this ordinance and punishable under Section 16.10 of this ordinance.

SECTION 16.2 - RESERVED

SECTION 16.3 - BUILDING PERMITS: *Building permits* shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No *building* or other *structure* shall be erected, moved, added to, or structurally altered without a permit issued by the *Building Inspector*. No *building permit* shall be issued except in conformity with the provisions of this ordinance, except after written orders from the *Board of Adjustment*. In accordance with KRS 100.267, if no *building permit* has been issued and a builder begins or continues to build, a restraining order may be obtained.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for *building permits* shall be accompanied by:
1. A completed application form provided by the *Building Inspector*.
 2. Zoning approval, if applicable.
 3. The required fee for a *building permit* as provided for in Section 20.0 of this ordinance.
 4. An approved *Development Plan*, if required by this ordinance.
 5. Plans in duplicate approved by the *Zoning Administrator* (if applicable) and including any additional information required by the building code and/or *Building Inspector*, 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 *Building Inspector* shall either approve or deny the application. If denied, one (1) copy of the submitted plans shall be returned to the applicant marked “denied” and shall indicate the reasons for such denial thereon. Such denial shall be attested by the *Building Inspector’s* signature. The *Building Inspector* shall retain the second copy, similarly marked.
- If approved, one (1) copy of the submitted plans shall be returned to the applicant marked “approved.” Such approval shall be attested by the *Building Inspector’s* signature. The second copy, similarly marked, shall be retained by the *Building Inspector*. The *Building Inspector* shall also issue a *building permit* to the applicant at this time and shall retain a duplicate copy.
- 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 zoning approval has been obtained.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** *Building permits* issued in conformance with the building code of the legislative body 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 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 thirty (30) consecutive calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the *Building Inspector* and no construction shall be permitted until a new *building permit* has been obtained, except, an extension may be granted if sufficient evidence can be demonstrated why the work described in the *building permit* was not begun. For purposes of this section, construction shall be deemed to have started at the time of completion of the foundation.

The *building permit* shall expire after a period of six (6) months from the date the permit was issued. The *Building Inspector* and/or *Zoning Administrator* may grant an extension if sufficient evidence can be demonstrated why the work described in the *building permit* was not completed as herein specified.

- G. CONSTRUCTION AND USE: *Use*, arrangement or construction at *variance* with that approved application and/or plans shall be deemed in violation of this ordinance and punishable as provided in Section 16.10 of this ordinance.

SECTION 16.4 - CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any *building* or land 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 land 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 to all the requirements of this ordinance and the building code.

SECTION 16.5 - CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the property owner, the *Building Inspector* shall issue a *certificate of occupancy* for any *building* or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of *use* made of the *building* or land, and whether such *use* conforms with the provisions of this ordinance.

SECTION 16.6 - 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 20.0 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 *Building Inspector* 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 *Building Inspector* 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 16.7 - 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 provisions of this ordinance and to plans for which the *building permit* was issued.

SECTION 16.8 - CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the offices of the *Building Inspector* and copies shall be furnished, on request, to any person having a proprietary *building* affected by such *certificate of occupancy*.

SECTION 16.9 - 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 bases thereof, shall be filed with the *Zoning Administrator*. The *Zoning Administrator* shall record properly such complaint, investigate, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.10 - PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

SECTION 16.11 - RESERVED