

# ARTICLE X. - ADMINISTRATIVE PROVISIONS

## Section 22-138. - Enforcement.

The building inspector shall have the power and principal responsibility for enforcing provisions of this chapter. Neither the building inspector nor any other administrative officer of the city shall issue any permit or license for any use, activity or structure which violates provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be void. An appeal from a ruling of the building inspector or any other administrative officer of the city regarding a provision of this chapter may be made only to the board of adjustment. Provisions of chapter 22 may be enforced by the city as a civil violation pursuant to chapter 2, article XIII, or chapter 2, article XIII.5 (supplemental municipal code enforcement procedures).

## Sec. 22-139. - Certificates of zoning compliance.

(a) General. Certificates of zoning compliance shall state that the building or the proposed use of a building or land complies with all provisions of this chapter. Such certificates shall be signed by the building inspector or a designated representative of the building inspector. A record of all certificates of zoning compliance shall be kept on file in the office of the building inspector or his subordinates and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected. (b) When required. Certificates of zoning compliance shall be required before any of the following occurs: (1) Occupancy and use of a building hereafter erected or structurally altered; (2) A change in a use of an existing building to a use of a different classification; (3) Occupancy and use of vacant land; (4) A change in the use of land to a use of a different classification; or (5) Issuance of a building permit.

A certificate of zoning compliance may also be required by any public employee or official of the city responsible for issuing permits or licenses, in addition to building permits, in order to determine if a use, activity or structure for which a permit or license has been requested will violate provisions of this chapter.

(c) Procedure. An application for a certificate of zoning compliance for a new building or for alteration of an existing building shall be made at the same time as the application for the building permit for such building. Applications for other required certificates of zoning compliance shall be made before the particular action in question takes place. All applications shall be filed with information specified in section 22-141. The building inspector shall grant or deny a certificate of zoning compliance, based on the provisions of this chapter, within three (3) working days of the filing of the application for such certificate, except the building inspector with good cause demonstrated may allow an extension of time. (d) Conditional certificates of zoning compliance. When the provisions of this chapter have been complied with except for landscaping provisions in section 22-59, a conditional certificate of zoning compliance may be granted by the building inspector for a period not to exceed sixty (60) days upon receipt of a written affidavit from the property owner that landscaping will be complete in accordance with this chapter in the specified length of time. Applications for conditional certificates of zoning compliance, stating reasons and/or extenuating circumstances, shall be submitted in writing to the building inspector. In the event the required landscaping is not completed within the period specified by the building inspector, then the property owner shall be subject to the provisions of section 22-144.

## Sec. 22-140. Sec. 139- Appeals from rulings of administrative officer.

(a) General. An appeal to the board of adjustment may be made by any person aggrieved or by any officer or bureau of the city affected by any decision of the building inspector planning director or any other administrative officer of the city regarding a provision of this chapter. Such appeal

shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is made and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was made.

(b) Authorization to grant or deny appeals. The board of adjustment, in conformity with the provision of this section, may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision as ought to be made, and to that end shall have all the power, concerning this chapter, of the officer from whom the appeal is made. The concurring vote of four (4) members of the board shall be necessary to reverse any decision of any such administrative official.

(c) Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is made certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is made and on due cause shown.

(d) Appeals procedure. (1) Before the board of adjustment may act on an appeal from a ruling of an administrative officer pursuant to this section, it will hold a public hearing in accordance with the provisions of section 22-143. (2) Within thirty-five (35) days of the public hearing, except the board of adjustment with good cause demonstrated may allow an extension of time, the board of adjustment will make its decision on the appeal. (3) The board of adjustment decision will be sent by mail to the applicant within five (5) working days of its decision.

### **~~Sec. 22-141.~~ Sec. 22-140- Supplemental application information.**

(a) General. Application for ~~certificates of zoning compliance~~, temporary uses, site plan reviews, conditional uses, nonconforming structures as special exception and variances shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the property and the size and locations of all existing and proposed structures; the intended use of each structure, the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this chapter. These applications shall also be accompanied by a legal description of the property involved and any information required by other parts of this chapter.

~~(b) Certificates of zoning compliance. In addition to the information specified in subsection (a) of this section, the following information shall be submitted along with the applications for certificates of zoning compliance: A description of all landscape materials which will be used and plans showing the location of proposed parking spaces, driveways, other vehicular use areas and landscaped areas (including the location of sprinklers or water outlets).~~

Section 22-142 through Sections 22-149 – 22-155 shall be renumbered to Section 22-141 through Sections 22-148 – 22-155.