

## TITLE VI ADMINISTRATIVE PROCEDURES

### CHAPTER 600 ZONING PERMITS

#### Section 600.01 Purpose

This chapter sets forth the procedures for administering and enforcing the provisions of this code.

#### Section 600.02 Zoning Permit Required

No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any building or part thereof be demolished, nor shall any building, structure, or land be established or changed in its use without a zoning permit for such purpose. The Zoning Inspector shall issue zoning permits only if the proposed construction, destruction and use is in conformance with this Zoning Code, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals with a decision on an appeal/variance.

#### Section 600.03 Zoning Permit Application Requirements

Applications for zoning permits shall be submitted to the Zoning Inspector on Village Zoning Permit Application Forms, and accompanied by the proper permit fee as established by Council as per Section 504. Incomplete applications will not be accepted or acted upon by the Zoning Inspector. Such application shall include the following information:

*A. For single family dwelling units and their accessory uses that are not part of a platted subdivision:*

1. Name, Address, and Phone number of the applicant and his/her agent
2. Legal Description of the property
3. Existing Use and Proposed Use
4. Zoning District
5. 2 Copies of a plan, drawn accurately to scale and based on an accurate survey showing the following information:
  - a. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
  - b. The right of way of adjacent street(s).
  - c. Location, dimensions, height, bulk of all structures to be erected, altered or demolished.
  - d. The existing and intended use(s) of all land and buildings.
  - e. Exact dimensions of yards, driveways, and required parking spaces.
  - f. Open spaces on the lot.
  - g. Number of occupants and bedrooms.
  - h. Topography of property at two (2) foot contour intervals.

6. Written evidence that the proposed use does or will comply with Village or other proper authority requirements for public services, including sewer, water, storm water, curb cut/access, sidewalk, floodplain and wetland regulations. Driveways proposed on other than village streets will require permits from the proper authority having jurisdiction over said street. Driveways proposed that access Village streets will require obtaining a driveway permit from the Village Administrator. A copy of access standards will be provided to the applicant with the application for a Zoning Permit or upon inquiry.
7. Such other information as may be necessary to determine conformance with the provisions of this code.

*B. Zoning Permit applications for other permitted uses shall provide the following:*

A completed application that shall include the following items:

1. Items 1,2,3,4,6 and 7 as indicated in Section 600.03.
2. A copy of the approval letter issued by the Planning Commission on the site plan review as required by Section 610.08.
3. Proof of conformance with Section 610.09, Financial Guarantees.

*C. Zoning Permit Applications for Conditionally Permitted Uses*

1. Applications for a conditional zoning permit shall follow the procedures specified in Section 620 of this Code.
2. Applications shall include a letter of approval issued by the Planning Commission on the site plan review as required by 610.08.
3. Applications shall include proof of conformance with Section 610.09 Financial Guarantees.

*D. Applicable to all Zoning Permit Applications*

All Zoning Permit Applications shall include documentation evidencing:

1. Whether the proposed construction, destruction or other use is subject to the Flood Hazard Reduction Regulations set forth in Codified Ordinances Chapter 1309; and
2. If Flood Hazard Reduction Regulations apply, that all requirements of Chapter 1309 have been satisfied. (*Ordinance 2012-19, effective April 17, 2012*)

**Section 600.04          Action On Application For Zoning Permit**

- A. The Zoning Inspector shall act upon an application for Zoning Permit within ten (10) working days after receipt of the application under the following conditions:
1. The application is for a permitted use and meets all of the requirements of this Code including Site Plan Review and Approval.
  2. For a conditionally permitted use, the applicant has received approval from the Planning Commission as specified in Chapter 620, Conditional Use Permit Procedures, and Site Plan Review and Approval as specified in Chapter 610.
  3. Upon approval of a variance or appeal by the Board of Zoning Appeals where applicable.

B. The Zoning Inspectors actions shall include the following:

1. Approved Applications:
  - a. Sign and date plans approved for single family and accessory structures as described in Section 600.03, and return one set to the applicant.
  - b. Sign off on application form and note date of approval.
  - c. Issue Placard to the Applicant to be posted on site in a conspicuous place during construction, alteration, demolition, change of use, which attests to the fact that the activity/use is in conformance with the provisions of this Zoning Code.
2. Disapproved Applications:
  - a. Note the disapproval on the plan drawings and sign and date them, and return a set to the applicant.
  - b. Write a statement on the application form as to reasons for disapproval, sections of the Code that were not in compliance, and date. Attach a copy of the denied application form with completed disapproval statement to the disapproved plans.

A Copy of all applications including plans and actions taken shall be retained by the Zoning Inspector and Clerk as part of the official record.

#### **Section 600.05            Submission to the State Director of Transportation**

Before any zoning permit is issued affecting any land within three hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by certified mail to the Director of Transportation that he shall not issue a zoning permit for one hundred (120) days from the date the notice is received by the Director of Transportation. If the Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit.

If the Director of Transportation notifies the Zoning Inspector that the acquisition at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Code, issue the Zoning permit.

#### **Section 600.06            Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within one year from the date of issuance, said permit shall expire. Construction shall be considered begun when excavation and piers or footers of the structure included in the application have been completed. Written notice shall be given by the Zoning Inspector to the applicant of record of the permit expiration.

If the work described in any zoning permit has not been completed within 18 months of the date of issuance, the permit shall expire. Written notice shall be given by the Zoning Inspector to the applicant of record, with notice that further work as described in the Zoning Permit application shall not proceed unless and until a new zoning permit has been obtained or extensions of time granted by the Planning Commission. In either case, the applicant shall respond by providing a letter to the Zoning Inspector stating why the work is not completed. If the applicant applies for a new zoning permit, it shall be under the same provisions as for the original permit. Unfinished construction projects on which no progress has been made within 6 months shall be considered abandoned and may be declared a nuisance.

### **Section 600.07            Certificate of Compliance**

It shall be unlawful to use or occupy or permit the use or occupancy of any buildings or premises, or both, or part thereof created, erected, changed, converted, or altered or enlarged in its use or structure until a certificate of compliance is issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Code and any conditions required to be met as a condition of receiving a zoning permit.

The applicant shall notify the Zoning Inspector in writing when the building is ready for an occupancy inspection. The Zoning Inspector shall conduct his/her inspection within 14 calendar days of notification by the applicant and note whether the building or premises or both have been constructed, converted, or altered in compliance with the zoning permit issued and any conditions attached. The Zoning Inspector shall document the date of notification to inspect by the applicant on the original zoning permit application form as well as the date of the inspection. If the applicant is in compliance, the Zoning Inspector shall issue a Certificate of Compliance. If the applicant is not in compliance, the Zoning Inspector shall send a letter in writing to the applicant stating why the applicant is not in compliance and that they may not occupy the building/premises. The Zoning Inspector shall also note such actions taken on the permit application form and date of correction of violations. (Also see Section 650.05, Notice of Violations.)

A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding 6 months during alterations or partial occupancy of a building pending its completion.