

CHAPTER 814

ZONING ORDINANCE: PERMITS AND CERTIFICATES

814-1. Requirements for Improvement Location Permit

- (A) A person shall obtain an improvement location permit prior to:
- (1) constructing, reconstructing, moving, enlarging, demolishing, or structurally altering any building or other structure;
 - (2) connecting a structure to a public water or sewer disposal system;
 - (3) locating a mobile home;
 - (4) making any significant land alterations (e.g., streets, drives, parking facilities, reservoirs, lakes, ponds, excavations, swimming pools, etc.).
- (B) An improvement location permit shall not be required for the following activities:
- (1) routine maintenance, repair or remodeling of existing structures not involving any change of use, additional lot coverage, or increase in structure size;
 - (2) lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, and landscaping;
 - (3) signs with a surface area of less than seven square feet;
 - (4) structures which are used exclusively for agricultural production purposes, and which do not exceed the limitations stated in the definition for confined feeding operations in Chapter 802;
 - (5) structures that contain less than 120 square feet of floor area and that are not built on permanent foundations; and,
 - (6) utility structures.
- (C) Application for Improvement Location Permit
- (1) A person desiring an improvement location permit shall submit a written application for such permit with the Administrator. An application for an improvement location permit shall:
 - (a) be made on the forms available at the office of the Commission and shall be signed by the owner of the subject property; and,
 - (b) be accompanied by the fee established by the Commission.
 - (2) A person desiring an improvement location permit shall also file for site plan review in accordance with this ordinance.

- (3) The Administrator shall approve the application upon a finding that:
- (a) the proposed improvements comply with the provisions of this ordinance;
 - (b) site plan approval for the subject property has been granted; and,
 - (c) the subject property is located on a public way or is accessible by recorded easement.

The Administrator may condition approval on the receipt of other permits, certificates and/or approvals (see Subsection 815-3(B), Part 20 of these regulations).

(D) Revocation and Expiration of Permit

- (1) An improvement location permit may be revoked if active work is not commenced within sixty (60) days after the date of its issuance, and continued with due diligence to completion. The Administrator shall judge whether due diligence is being shown.
- (2) If the work described in any improvement location permit has not been commenced within one hundred and eighty (180) days from the date of permit issuance, said permit shall expire.
- (3) If the work described in any permit has not been substantially completed within two years of the date of permit issuance, said permit shall expire.
- (4) Upon the revocation or expiration of an improvement location permit, no further work may be performed on the subject property until a new permit is obtained.

814-2. Requirements for Land Use Certificate

- (A) No land shall be occupied or used and no building or other structure hereinafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a land use certificate has been issued stating that the structure and/or use comply with all the provisions of this ordinance applicable to the building, structure or premises of the use in the district in which it is to be located.
- (B) No change shall be made in the use of land or in the use of any building, or other structure, or part thereof, now or hereafter erected, reconstructed or structurally altered, without a land use certificate having been issued and no such Certificate shall be issued to make such change unless it is in conformity with the provisions of this chapter.
- (C) A Land Use Certificate will not be issued until all construction and demolition waste has been removed from the project site.
- (D) In situations where a nonconforming use or structure is being discontinued or removed to establish a new use in compliance with the Zoning Ordinance, the nonconforming structure must be

removed or the use discontinued before a Land Use Certificate is issued.

814-3. Application for Land Use Certificate

- (A) A person desiring a land use certificate shall submit a written application for such permit with the Administrator. An application for a land use permit shall:
 - (1) be made on the forms available at the office of the Commission and shall be signed by the owner of the subject property; and,
 - (2) be accompanied by the fee established by the Commission.
- (B) If the proposed use is in conformity with the provisions of this ordinance, the land use certificate shall be issued within five (5) days after the application for the same has been made. However, no land use certificate shall be issued in connection with the construction, alteration, enlargement, demolition or moving of a building or structure until such construction, alteration, enlargement, demolition or moving shall have been completed.

814-4. Temporary Mobile Home Placement and Occupancy

- (A) The Administrator may authorize the temporary placement and occupancy of a mobile home, as a second main structure on a lot, in any zoning district except Industrial, by issuing a temporary improvement location permit and a temporary land use certificate, upon a determination that the applicant or a member of the applicant's family requires constant attention due to a handicap or infirmity. The applicant shall:
 - (1) obtain Monroe County Board of Health approval for septic system installation or, provide the Administrator with a copy of a sewer hook-up permit from the appropriate authority;
 - (2) provide the Administrator with a licensed physician's certification of the handicap or infirmity specifically corroborating the need for constant attention;
 - (3) certify the notification of interested parties in accordance with the Commission/Board Rules of Procedure and advise the Administrator of the identity of known objectors/remonstrators;
 - (4) demonstrate compliance with all other improvement location permit and land use certificate requirements; and
 - (5) file fees for all permits according to the rate(s) set by the Commission.
- (B) Temporary improvement location permits and temporary land use certificates shall expire twelve (12) months after the date of issuance. The mobile home shall be removed from the premises by the applicant no later than thirty (30) days after the expiration of the temporary permit and certificate. The Administrator may extend the temporary permit and certificate for an additional twelve (12) month period for good cause shown. Any request for an extension beyond the first extension shall be heard by the Board subject to the filing, notice and hearing requirements for variances.

814-5.

Additional Requirements Applicable to Subdivisions and Planned Unit Developments

In addition to the requirements prescribed by or incorporated in this Chapter, no improvement location permit or land use certificate shall be issued for the construction, erection, demolition or placement of any building or other structure, or the use or occupancy of any lot, tract, parcel, building or other structure within a subdivision or planned unit development approved under this ordinance or the Subdivision Control Ordinance, until, as appropriate:

- (A) the applicant has provided the Administrator with a certified copy of the current recorded plat, construction plans or development plan;
- (B) all provisions of the ordinance and all conditions of plat or plan approval have been complied with;
- (C) the required utility facilities have been installed and made ready to service the lots, tracts or parcels in question; and
- (D) all streets providing access to the subject lots, tracts or parcels have been constructed or are in the course of construction and are suitable for vehicular traffic.

[end of chapter]