

## **ARTICLE 5. PERMITS**

### **Section 1. BUILDING PERMITS:**

Review of Building Permits: The Zoning Administrator, or such person's designee, shall examine and take appropriate action on all applications for building permits when submitted to such person by the building code official. The Zoning Administrator shall determine whether the proposed construction on and use of the property would comply with the provisions of these regulations. Within ten (10) days after the Zoning Administrator receives an application for review, such person or their designee shall either approve the application and return the same to the building codes official, or such person shall disapprove the application and return it with a written statement listing the reasons for the disapproval.

### **Section 2. ZONING PERMIT:**

- A. When Required: Zoning Permits shall be required before commencement of uses in the following designated instances: 1) on tracts for which formal Development Plan approval is required before a building permit will be issued; 2) on tracts for which a conditional use permit or special permit is required before a building permit will be issued or before commencement of a conditional use or use allowed by a special permit; 3) for any proposed use permitted on any tract of land zoned Planned Retail Business District or Planned Employment Center District; and 4) on tracts for which a Development Plan has been approved by the Zoning Administrator in accordance with Section 5 of this Article.

Buildings or structures erected, constructed, repaired, converted or altered in conjunction with Development Plans, Conditional Use Permits, or Special Permits designated in Section 2, (A)(1-3) above, shall not be used for any purpose until a Zoning Permit has been issued as provided for and required herein.

- B. Procedures and Requirements: At such time as the Zoning Administrator reviews building permits in accordance with Section 2, (A)(1), (2), and (4) of this Article (regarding those properties which have received Development Plans approval), the Zoning Administrator, or such persons designee, shall insure that:
1. A copy of the approved Development Plan is affixed to the Building Permit application;
  2. A copy of the Zoning Permit application form is mailed to the owner; and
  3. A Zoning Permit application form is also affixed to the Building Permit application upon its return to the building code official.
- C. Zoning Permit Review: The Zoning Administrator, or such person's designee, shall examine all applications for Zoning Permits when they are submitted to such person as required by these regulations. The Zoning Administrator or designee shall review the application and the subject real property to determine whether the actual site development conforms with the requirements of the approved Development Plan for the particular property. Within ten (10) days after the Zoning Administrator receives the completed Zoning Permit application form, the Zoning Administrator, or such person's designee, shall inspect the subject real property and either approve the application if the site development actually conforms to the requirements of the approved Development Plan, and thereafter issue the applicant a Zoning Permit, or the Zoning Administrator or designee shall disapprove the application request and provide the applicant with a written statement listing the reasons and rationale for the disapproval.

- D. Temporary Zoning Permits: In the event that actual site development does not fully conform to the requirements of the approved Development Plan, and the deficiencies consist of site improvements which cannot in the opinion of the Zoning Administrator, reasonably be completed within a 30-day time period for required site development construction features, or a 90-day time period for required site landscaping features, then the Zoning Administrator may issue a Temporary Zoning Permit. Temporary permits shall not be issued for periods of time in excess of 60 days each, and, in any event, such permits may not be renewed for a total time period in excess of ten (10) months. The timely completion of the site development deficiencies and the protection of the health, safety and welfare of the public and those individuals on site during this temporary permit period are of paramount importance to the county. Therefore, temporary permits shall not be issued by the Zoning Administrator unless:
1. The applicant provides evidence, satisfactory to the Zoning Administrator, that the required improvements shall be fully completed by a specified date, and that the required improvements have been arranged for completion, as evidenced by a fully executed work contract or agreement which references the completion date.
  2. The temporary permit contains such terms, restrictions and provisions as deemed necessary by the Zoning Administrator to protect the safety of the occupants and other persons likely to be on the site.
- E. Notice: Notice of the action taken on the Zoning Permit application shall be forwarded by the Zoning Administrator to the building code official for such person's review and consideration with respect to any related requests for issuance of the certificate of occupancy on the subject real property.
- F. Compliance with Development Plan: Zoning Permit approval is subject to continuous compliance with the requirements set forth in and contained within the approved Development Plan.

### **Section 3. AUTHORIZATION:**

Zoning Administrator: The Zoning Administrator and such others appointed by the Board shall enforce the provisions of these regulations and shall not approve any Building Permit, Zoning Permit, or Temporary Zoning Permit for the construction, use or occupancy of any premises which would result in the violation of any provision of these regulations. In the event any building or structure is constructed, or any building, structure or land is used in violation of the provisions of these regulations, then the Zoning Administrator shall cause appropriate action to be taken to correct or abate such violation.

### **Section 4. APPEAL OF DECISION:**

Board of Zoning Appeals: Any person aggrieved, or any officer, department, board or bureau of the county, or any governmental agency or body affected, may appeal alleged error(s) in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations to the Board of Zoning Appeals, in accordance with Article 3, Section 5 of these regulations. Appeals of Codes Court matters cannot be taken to the BZA, so the BZA shall not have any authority over nor review any matter related to a citation, a prosecution or enforcement action as more fully set forth in Article 3, Section 5, (E) herein.

**Section 5. ADMINISTRATIVE APPROVAL OF ZONING PERMITS AND DEVELOPMENT PLANS FOR COMMUNICATION ANTENNAS AND COMMUNICATION TOWERS:**

- A. Before a building permit is issued to allow the construction of communication antennas and communication towers in accordance with the requirements of Article 17, Section 4 (C) of these regulations, the applicant shall submit a Development Plan in accordance with the requirements of Article 15, Sections 3 and 6 of these regulations.
1. Terms of Approval: The Zoning Administrator shall use the Development Plan review considerations contained in Article 15, Section 11, and the conditional use permit performance standards contained in Article 23, Section 6 (B)(4) of these regulations, as a guide to review the Development Plan. The Zoning Administrator shall approve or deny the Development Plan. Therefore, BOCC approval shall not be required for Development Plan approval under this provision. Approval may be subject to a term of years and other conditions. However, such term and conditions are subordinate to the term and conditions of any Conditional Use Permit for the existing communication tower or structure hosting the antenna. (Therefore, if the conditions placed upon approval of the Conditional Use Permit are in conflict with the conditions placed upon approval of the Development Plan or Zoning Permit, then the conditions of the Conditional Use Permit shall govern, control and take precedence.) Approval is also subject to compliance with the requirements of Article 23, Section 6 (B)(4) of these regulations. The provisions of this section shall be administered and enforced under the supervision and direction of the Zoning Administrator in accordance with the provisions of Article 6 of these regulations.
  2. If the Zoning Administrator approves the Development Plan, the Zoning Administrator shall issue a Zoning Permit if the actual site development conforms with the requirements of the approved Development Plan for the particular property.
  3. If the Zoning Administrator denies the Development Plan, then the applicant may appeal the decision of the Zoning Administrator in accordance with the provisions of Article 3, Section 5 of these regulations.
  4. If the applicant a) does not wish to submit a Development Plan to the Zoning Administrator pursuant to the procedures in Article 15 of these regulations, or b) does not appeal the decision of the Zoning Administrator to deny the Development Plan, then the applicant may submit an application for a conditional use permit which shall be reviewed by the Zoning Board and the Board of County Commissioners in accordance with the requirements of Article 23 of these regulations.

**Section 6. ADMINISTRATIVE APPROVAL OF ZONING PERMITS AND CERTIFICATES FOR ACCESORY DWELLING UNTIS:**

- A. Before a building permit is issued to allow the construction of an Accessory Dwelling Unit (ADU) in accordance with the requirements of Article 18, Section 7 (D) of these regulations, the applicant shall submit an application for an Accessory Dwelling Unit Certificate (hereinafter “ADU Certificate”) which shall include a Development Plan in accordance with the requirements of Article 15, Sections 3 and 6 of these regulations, to be administratively reviewed by the Zoning Administrator.
1. Terms of Approval: Approval is subject to compliance with the intent and requirements of Article 18, Sections 7(D)(1) and (2) of these regulations. Furthermore, the Zoning Administrator shall use these sections of the regulations and the Development Plan review considerations contained in Article 15, Section 11 to review the application. The Zoning Administrator shall approve or deny the application. Therefore, BOCC approval shall not be required for application approval under this provision. Approval may be made subject to conditions.

2. If the Zoning Administrator approves the application, the Zoning Administrator shall issue a Zoning Permit if the actual site development conforms with the requirements of the approved Development Plan for the particular property.
3. If the Zoning Administrator denies the application, then the applicant may appeal the decision of the Zoning Administrator in accordance with the provisions of Article 3, Section 5 of these regulations.
4. If the application is deemed by the Zoning Administrator to not meet the Terms of Approval of Section 6(A)(1) of this Article, and if the applicant does not appeal the Zoning Administrator's decision, then the applicant may submit an application for an Accessory Dwelling Unit Permit which shall be reviewed by the applicable Zoning Board and the Board of County Commissioners in accordance with the requirements of Article 18, Section 7(D)(3) of these regulations.