

CHAPTER 3: ADMINISTRATION

301 BUILDING PERMITS.

- 301.01 Application Required.** No building, structure, or other physical improvement (i.e., fences, sidewalks, driveways, porches, decks, gazebo, etc.) shall be erected, constructed, moved, added to, or demolished without a building permit. Said building permit shall be approved as specified below **before** any work commences on any project. **Any person commencing work without an approved permit shall be subject to penalties as defined in Section 302.03 in addition to the required permit application fees.** ^{303.03}
- 301.02 Application Form Approved/Information Required.** Building permits in a form so approved by the City Council shall be available from the City Clerk. Every application for a permit shall be accompanied by a detailed drawing or plan drawn to scale, or a blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the location of all lot/property lines, streets, and alleys, the required setbacks (based on the zoning district requirements), the existing and intended use of each building or part, the proposed number of units, the approximate cost of the project; types and kinds of material to be used. Building permit applicants are required to set stakes showing their property line boundaries, and stakes where the proposed building will be placed, prior to the inspection and before any action on the permit is taken. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the ordinance shall also be provided.
- 301.03 Fees.** Fees for building/zoning permits shall be set by Resolution of the City Council. The fees shall be contained in the application forms as available from the City Clerk.
- 301.04 Procedure for Application.** Completed building/zoning permits shall be submitted to the City Clerk. Upon receipt of all building permit applications, the City Clerk shall review said application for completeness and forward to the Planning and Zoning Commission for review. Upon determination, the following shall occur:
- A. If additional information is required, the application shall be returned to the applicant for clarification.
 - B. If the application does not meet the requirements of this Ordinance (i.e., setbacks are not sufficient), a variance or special exception may be required, in which case the applicant will be required to request a variance or special exception per the provisions of this Ordinance.
 - C. If the application does meet the requirements of this Ordinance, the application shall be approved by the Clerk or forwarded to the City Council for final review. The final review shall be placed on the Council agenda when necessary and copies of the completed applications are forwarded to the Council for review prior to the meeting.
- 301.05 Final Review of Application by City Council.** The City Council shall make final review of all building/zoning applications. If an application is approved, the Zoning/Building Administrator shall be notified by the Clerk so that inspection of the project can be scheduled. If an application is returned for further information, the Planning and Zoning Commission shall review the additional information according to Section 306.04 (above). If an application is denied, the Council shall provide the applicant with its reasons for denial. If the initiation of a project is imminent to the extent that the applicant desires to request a special Council meeting to review the application, the Council may, by resolution, determine that there be an additional fee to the applicant for the special meeting. Building permits are good for one (1) year following the date of approval.

- 302 **SPECIAL USE PERMITS.** Allowable special uses may be permitted, enlarged, or altered upon submission of an application for a special use permit to the Board of Adjustment. The Board may grant or deny a special use permit in accordance with the standards set forth herein and the intent and purposes of this ordinance. In granting special use permits, the Board shall authorize the issuance of a special use permit and may prescribe and impose appropriate conditions and safeguards for the performance of the special use permit. Special use permits shall always have specified time limits, and therefore may also be referred to as "temporary use permits".
- 302.01 **Application Form/Information Required.** A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein.
- 302.02 **Meeting.** Before issuance of any special use permit, the Board of Adjustment will consider the application at a meeting held at the call of the chairman within 30 days after the filing of the application.
- 302.03 **Decisions.** The concurring vote of 3 members of the Board of Adjustment shall be necessary to grant a special use permit. Special use permits may generally be granted by the Board for no longer than 6 months, unless the Board specifically grants a longer period of time or a building permit is obtained within the 6 month period and construction is started.
- 302.04 **Standards.** No special use permit shall be granted by the Board unless the Board finds:
- A. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of the community.
 - B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property valued within the neighborhood.
 - C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided, but that the use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustment.
 - E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and that the use will not involve any activity substantially increasing the movement on public streets unless procedures are instituted to limit traffic hazards and congestion.
 - F. The use shall not include any activity involving the use or storage of flammable, or explosive materials unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
 - G. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled, nor vibration that is discernable without measuring instruments on any adjoining lot or property.
 - H. The use shall not involve any malodorous gas or matter which is discernable on any adjoining lot or property, nor any pollution of the air by fly ash, dust, vapors, or other substance which may be harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.