

## ARTICLE 11

### PLANNING AND ZONING ADMINISTRATOR

#### **Section 11-1 PURPOSE**

The office of the Planning and Zoning Administrator of this municipality is hereby established. The Planning and Zoning Administrator, hereafter referred to as Administrator, shall be the executive head of this office. With the consent of the City Manager, the Administrator may appoint other employees as he deems necessary to carry out the duties of his office.

#### **Section 11-2 DUTIES**

The Administrator is hereby authorized and directed to administer and enforce the provisions of this ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- A) The interpretation of this ordinance and the boundaries of the zoning districts established by this ordinance. It shall be the responsibility of the Administrator to determine the permissibility of a proposed use and to issue the required documentation of that use. An Initial Certificate of Zoning Compliance must be issued whenever requested, while a Final Certificate of Zoning Compliance must be issued for all non-residential uses; (Ord. 97-14)
- B) To inspect land, structures, and uses to determine compliance with this ordinance, and where there are violations, to initiate appropriate corrective action;
- C) To review and forward to the Board of Zoning Appeals all applications for variances, appeals, and Special Use Permits and other required information;
- D) To maintain up-to-date records of this ordinance including but not limited to District maps, Initial and Final Certifications of Zoning Compliance, Special Use Permits, Temporary Use Permits, Signage plans, variances, interpretative decisions of the Board of Zoning Appeals, amendments, and all applications related to any of these matters;
- E) To periodically review the provisions of this ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Planning Commission at least once each year;
- F) To annually publish any revisions of this ordinance (including the District Map) and any amendments thereto;
- G) To provide information to the general public on matters related to this ordinance;
- H) To perform such other duties as the City Council may from time-to-time prescribe.

**Section 11-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE**

Upon the effective date of this ordinance, any person wishing to confirm the permitted use of a property may request an Initial Certificate of Zoning Compliance from the Administrator. If the proposed use is compatible with the intended use of the district in question, the Administrator will issue the certificate. If the proposed use is not compatible, the Administrator will issue a letter explaining why it is not a compatible use to the person requesting the certificate. Any use receiving an initial certificate of compliance is required to receive a Final Certificate of Zoning Compliance, as stipulated in this Article. The issuance of an Initial Certificate of Zoning Compliance does not guarantee the issuance of a Final Certificate of Zoning Compliance. The issuance of an initial certificate of compliance indicates that the proposed use complies with the Zoning Ordinance. It does not exempt any development from any other applicable requirements, such as parking, building setbacks, and so forth.

All requests for an initial certificate shall contain the following information:

- A) Name and address of the applicant;
- B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- D) Location of the proposed use or structure in relation to existing adjacent uses or structures;
- E) Area and dimensions of the site for the proposed structure or use.

**Section 11-4 FINAL CERTIFICATE OF ZONING COMPLIANCE**

All non-residential uses shall be required to obtain a Final Certificate of Zoning Compliance prior to being occupied or put into operation. The Administrator shall not issue a final certificate until he has inspected the property and confirms that the use complies with the intentions of the ordinance. Failure to obtain a Final Certificate of Zoning Compliance shall constitute a violation of this ordinance. Any alteration of the use without prior notification of the Administrator shall make the Final Certificate null and void.

**Section 11-5 CORRECTIVE ACTION ORDERS**

Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

**11-5.1 Contents of Order:**

The order to take corrective action shall be in writing and shall include:

- A) A description of the premises sufficient for identification;
- B) A statement indicating the nature of the violation;
- C) A statement of the remedial action necessary to effect compliance;

- D) The date by which the violation must be corrected;
- E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- F) The date by which an appeal of the Corrective Action Order must be filed, and a statement of the procedure for so filing;
- G) A statement that failure to obey a Corrective Action Order shall result in revocation of the Final Certificate of Zoning Compliance and may result in the imposition of fines or other actions.

**11-5.2 Service of Order:**

A Corrective Action Order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- A) Served upon him personally;
- B) Sent by registered mail to his last known address;
- C) Posted in a conspicuous place on/or about the affected premises.

**11-5.3 Stop Orders**

Whenever any work is being done in violation of the Zoning Ordinance, the Administrator's Corrective Action Order may state that the violation must cease immediately. In such cases, the Corrective Action Order is equivalent to a Stop Order.

**Section 11-6 EMERGENCY MEASURES**

Notwithstanding any other provisions of this ordinance, whenever the Administrator determines that any violation of this ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

**Section 11-7 COMPLAINTS**

Whenever any violation of this ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint with the Administrator. The Administrator shall record such complaints, immediately investigate, and if necessary, institute appropriate corrective action.

**Section 11-8 SCHEDULE OF FEES**

The Administrator shall be responsible for assisting citizens in meeting the requirements of this ordinance. This shall include assisting citizens through the process of requesting variances, special use permits, and other required processes. The Administrator shall be responsible for collecting all required fees, as determined by the following fee schedule:

Initial Certificate of Zoning Compliance	No fee
Final Certificate of Zoning Compliance	No fee
Appeal	\$250
Variance Request	\$250
Special Use Permit Request	\$250
Temporary Use Permit Request	\$300
Amendment to Zoning Ordinance	\$300
(Am. Ord. 08-07, passed 3-3-08; Am. Ord. 20-04, passed 2-3-2020)	

These fees may be adjusted at any time by the City Council. The fee schedule shown here only indicates the fees charged at the time this ordinance was adopted. Any changes made by the City Council regarding these fees may not be reflected in this Zoning Ordinance. A listing of the current fees are available at the City Clerk's office.