

# ARTICLE III

## ADMINISTRATION, ENFORCEMENT AND VIOLATION

### **300 Administrative Official**

An Administrative Official (Zoning Administrator) shall be appointed by the Planning Commission with the approval of the City Councils of Midway and Versailles and the Fiscal Court of Woodford County and shall administer and enforce this ordinance. The official may be provided with the assistance of such other persons as the legislative bodies may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, the official shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The official shall order discontinuance of illegal use of land, buildings, illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

### **301 Permits required for Construction, Demolition, Structures and Locations thereof:**

Permits shall be required for the following activities and shall be issued by the appropriate Administrative Official in conformity with the provisions of this Zoning Ordinance.

#### **301.1 Permits Required**

No permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless a written order from the Board of Adjustment is received in the form of an administrative review, conditional use, or variance as provided by this ordinance.

If no permit has been issued and construction begins or continues, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a permit shall establish a prima facie case for the issuance of the restraining order. This is in addition to penalties that may be imposed by Section 304 of this Ordinance.

- A. Building Permits - No building or other structures shall be erected, moved, added to, or structurally altered, nor shall any said activities be commenced without a building permit therefore, issued by the Building Inspector and Zoning Administrator.
- B. Wrecking Permits (Demolition Permits) - No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a wrecking permit therefore, issued by the Building Inspector.
- C. Grading Permits - No grading, stripping, excavating, filling, stockpiling of earth or land shall be commenced without a grading permit therefore, issued by the Zoning Administrator.
- D. Sign Permits - No sign shall be created, erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a permit therefore, issued by the Zoning Administrator.
- E. Permits Authorized by the Board of Adjustment - The Zoning Administrator and/or Building Inspector shall issue permits in conformance with the written authorization of the Board of Adjustment concerning administrative review appeals, conditional use permit appeals, variance appeals, or other appeals as authorized in this Zoning Ordinance.
- F. Other Permits - Additional permits may be required by the Administrative Official to enforce the provisions of this Ordinance.

### **301.2 Compliance with Other Codes, Statutes, and Regulations**

Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant from a permit from compliance with all local, state and federal codes, statutes and regulations.

### **301.3 Permit Application Requirements and Procedures**

All applications for permits shall be accompanied by such plans and information as the Administrative Official deems to be necessary to determine compliance and provide enforcement of this Zoning Ordinance. The application materials listed below shall be the minimum. Additional information may be required.

All applications for building permits shall be submitted to the appropriate Administrative Official. The applicant shall submit a completed application form; a site plan or lot layout (as specified below); floor plans of the proposed new structure or alterations of existing structure, drawn to scale; building elevations of exterior of the new or existing structure or structures; and any other information necessary for determining compliance with this ordinance and/or the Kentucky Building Code. Two copies of all of the above information shall be required. One copy of the plans shall be returned to the applicant by the Administrative Official after each copy has been marked as approved or disapproved, and attested to the same by his/her signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official until such time that a Certificate of Occupancy is issued, then the plans may be returned to the applicant, upon request. If approved, a permit will be issued upon payment of a fee based on an approved Fee Schedule as posted in the Zoning Administrators Office.

- A. Building Permits for Single Family and Two Family Dwellings - All applications for permits for detached single family and two family dwellings and their accessory buildings shall be accompanied by a lot layout drawn to scale showing the location and dimension of any existing or proposed principal or accessory buildings on the lot, the location and dimension of all required yards, easements, height of the building and the location and dimension of the required parking. Lot layouts may not have to be drawn to scale in A-1 Districts, but proof of a recorded deed or plat is required.
- B. Building Permits for All Other Buildings - All applications for building permits, including associated permits, other than those for single family or two family dwellings and their accessory buildings, shall be accompanied by a site plan drawn to scale showing the actual shape and dimension of the lot to be built upon; including, but not limited to the following information:
  - 1. Ingress and egress to the property.
  - 2. Off-street parking and loading facilities, and other paving.
  - 3. Refuse and service areas; structures.
  - 4. Water and sewer utilities, indicating the size and access point of the services.
  - 5. Screening and buffering proposals (where applicable).
  - 6. Proposed sign locations.
  - 7. Signature of review and approval by the Health Department and, where applicable, County Road Department and State Fire Marshall.
  - 8. Storm water drainage specifications and proposals; designed to the satisfaction of the Planning Commission's engineer in accordance with the Subdivision Regulations.
  - 9. Reference to the location of the site by either an address or firegate number, lot number of a recorded plat and a vicinity sketch showing the site and surrounding roads and other features necessary to determine the exact location of the site.
  - 10. The existing and intended use of each building or part of the building including the number of existing and proposed dwelling units the building is designed to accommodate.
  - 11. Statement that the use is located outside of the floodplain designated by the Federal Insurance Administration, or an indication of the actual location of the site and its' accessory uses within the floodplain.
  - 12. Show adjacent zones.

13. The applicant shall be required to supply such supplementary information as necessary to comply with all requirements of this Section 301.4, to insure compliance with all requirements of the Zoning Ordinance.

Other Approvals - If this Zoning Ordinance requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a building permit.

Previous submission of development plans as a requirement to map amendment applications and/or approved subdivision plats may fully, or in part, satisfy the requirements of this section. Where a development plan has been approved by the Planning and Zoning Commission as a condition to a zoning district map amendment, building permits shall be issued in accordance with said plan.

- C. Grading Permits - Grading permits may be issued by the Zoning Administrator for grading, stripping, excavating, filling or stockpiling of earth or land as a part of any approved construction plan pertaining to subdivision development, site design proposals and/or development plans. Plans submitted shall provide sediment control measures as required in the Subdivision Regulations and must be designed to the satisfaction of the Planning Commission's engineer. No grading permit shall be required for the following:
  1. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.
  2. Accepted agricultural land management practices such as plowing, cultivation, and construction of agricultural structures.
  3. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

#### **301.4 Certificates of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

Temporary Certificates of Occupancy - A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during alterations, or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

#### **301.5 Expiration of Building Permit**

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected.

If the work described in a building permit has not been completed and a Certificate of Occupancy has not been issued within one year of the date of the issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. A building permit may be extended for a period of up to six (6) months. Application for extension of said permit must occur within thirty (30) days of the expiration date of the original building permit. Buildings subject to review and permitting by the State Department of Housing Building and Construction are exempt from the one (1)

year restriction. No refund shall be made of any fees for building permits so judged to be expired or that have been canceled, nor shall any additional fees be imposed for any extension thereof. There shall be a fifty percent (50%) refund of the fee for a building permit, if the request for refund is made within forty-five (45) days of the date that the building permit was issued.

**301.6 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy**

Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Section 304 hereof.

**302 Schedule of Fees and Expenses**

The legislative bodies adopting this ordinance do hereby grant the Planning Commission and Board of Adjustment the power to establish a reasonable schedule of fees, charges, and expenses and a collection procedure for certificates of occupancy, appeals, applications for amendments, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended as the Planning Commission and/or Board of Adjustment see fit.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**303 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Administrative Official. The Official shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

**304 Penalties for Violation**

For failure to pay any required permit fee when due, a penalty of one hundred percent (100%) of the required permit fee is hereby imposed, and shall be increased to fifty (\$50.00) per day from the date of written notice from the Commission until a permit is applied for. Such penalties shall be in addition to other penalties imposed by this ordinance.

Violation of the provisions of any zoning ordinance or failure to comply with any of the requirements herein including, but not limited to, violations of conditions and safeguards established in connection with grants of variance or special exceptions and violations of 503.3 (F) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two-hundred and fifty dollars (\$250) or imprisoned in the county jail for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense; provided, however, that the total term of imprisonment for any violator may not exceed twelve (12) months. **(Amended April 2002)**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Legislative Body from taking such other lawful action as is necessary to prevent or remedy any violation.