

CHAPTER 5 – ZONING PERMIT PROCEDURES

11-5-1: PURPOSE:

This chapter establishes the administrative procedures for zoning permits.

11-5-2: ZONING PERMIT REQUIRED:

- A. A zoning permit to proceed in compliance with these regulations is required for all development that is not specifically exempted by Section 11-4-4. Please note that some development exempted in this chapter may not be exempt from the requirements of Title 12 of this code.
- B. The requirement of A, above, applies to approved conditional uses and to all development pursuant to the approval of an annexation or subdivision.

11-5-3: ZONING PERMIT APPLICATION:

- A. Applications for zoning permits must be filed using the forms provided by the City. Applicants are encouraged to meet with Staff to ensure that they understand what is required before filing an application.
- B. Applications for zoning permits must be accompanied by the application fee set by resolution of the Council and any impact fees that would be due upon approval of the application.

11-5-4: ZONING PERMIT REVIEW:

Applications for zoning permits are reviewed and approved or rejected by the staff, as follows:

- A. Staff will first determine whether the application is complete. Incomplete applications will be returned to the applicant with a list of what is missing.
- B. Staff will review complete applications for compliance with these regulations and approve or reject them solely on the basis of compliance with this code. Staff must act on a complete application for a permit within ten (10) business days, except when a referral to the PBZC is made as allowed by C, below or if the application is for development within the floodplain (please see Title 12 of this code). If an application is referred to the PBZC, Staff must act on it within ten (10) business days after the

PBZC meeting at which the referral was discussed.

- C. Staff may seek the advice of the PBZC before making the decision to approve or deny a zoning permit. Such consultations must occur at the first Board meeting after the application for a zoning permit is filed unless the required 48-hours notice for that meeting cannot be provided, in which case the consultation will happen at the next regular meeting or a special meeting set by the PBZC for that purpose.
- D. A zoning permit to proceed with the proposed development will be issued upon approval of an application. Issuance of the permit will be delayed if the required impact fees have been appealed as provided by Section 3-6-12 of this code. A permit will not be issued until that appeal has been resolved.
- E. A rejection letter will be issued when the staff finds that the proposed development fails to comply with these regulations. That letter will include a list of the specific provisions of these regulations with which the proposed development does not comply. The application fee is non-refundable, but the check required for any impact fees due will be returned with the rejection letter.

11-5-6: APPEAL OF ZONING PERMIT:

- A. Approval or rejection of an application for a zoning permit may be appealed to the Board of Adjustment. Please see Chapter 11-7 for the appeal procedure.
- B. Any work undertaken during the appeal period established at Section 11-7- is subject to removal and an order that the site be restored to its original condition.

11-5-7: EXPIRATION OF ZONING PERMIT:

- A. Zoning permits are valid for one calendar year from the date they are approved and may be renewed for an additional six months by filing the renewal form provided by the City.
- B. If substantial work has not been completed before the permit expires, a new zoning permit must be obtained, including payment of the then-current application fee and review for compliance with the then-current regulations.

- C. **‘Substantial work’** means that the building or structure is connected to city utilities and power and fully enclosed (sided and roofed with windows and doors in place). Landscaping and any other exterior improvements shown on the plans or required by these regulations are considered complete, as evidenced by issuance of a Certificate of Compliance, or their completion is required by a Temporary Certificate of Completion. The installation of exterior trim and interior work may continue.

11-5-8: CHANGES IN APPROVED PLANS:

It is understood that minor changes in plans approved by the City may be necessary. Substantial changes, including all changes in use, require a new zoning permit.

- A. A written request for a minor plan change must be filed with Staff before any work commences. Staff will strive for a prompt response to such requests, but must have at least 48 business hours advance notice during the business week.
- B. A request for a minor change in the approved plans does not allow the standards of these regulations to be changed. It allows flexibility for projects that will continue to comply after the minor change. Limits on minor changes are set in C, below.
- C. Changes of less than 10% in the exterior dimensions of buildings or structures or in the location of uses, buildings, or structures on a lot may be considered minor and permitted by Staff if they are in compliance with these regulations and any applicable conditions of approval.
- D. Minor changes in required public improvements must be approved by the City’s engineers.

11-5-9: CERTIFICATE OF COMPLIANCE:

- A. A Certificate of Compliance will be issued by Staff upon finding that the permitted work is complete and in full compliance with these regulations and any applicable conditions of approval.
- B. A request for a Certificate of Compliance shall be filed on the form provided by the City. Staff will strive for a prompt response to such requests, but must have at least 48 business hours advance notice during the business week.

- C. Staff may issue a Temporary Certificate of Compliance that permits temporary operation of a use, building, or structure when the season makes completion of landscaping or other outdoor improvements unrealistic. Temporary Certificates of Compliance must expire on a date certain that is no more than one hundred twenty (120) days in the future.
- D. Certificates of Compliance may be revoked as provided in Chapter 11-9.