

CHAPTER 1 ADMINISTRATION.

Subd. 1. Purpose.

The purpose of this Chapter is to outline administration of this Ordinance and establish procedures for non-conformances, exceptions, variances, conditional use permits and duties of administrating officers and commission.

Subd. 2. Application.

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

Subd. 3. Existing Lots.

A lot or parcel of land for which a deed, recorded contract for deed or other legal conveyance has been executed prior to the effective date of this Ordinance shall be deemed a buildable lot provided it can meet the minimum setback requirements in the zoning district where it is located.

Subd. 4. Non-Conformance.

- A. Non-Conforming Uses and Structures: Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:
 1. No such use shall be expanded, reconstructed or enlarged except in conformity with the provisions of this Ordinance.
 2. If a non-conforming use is discontinued for a period of twelve (12) months, further use of the structures or property shall conform to this Ordinance.
 3. If a non-conforming structure is destroyed by any cause, to an extent exceeding seventy-five percent (75%) of its replacement cost based on the assessor's estimated market value for the current year, a future structure on the site shall conform to this Ordinance.
 4. If a non-conforming structure is destroyed by any cause, to an extent exceeding seventy-five percent (75%) of its replacement cost based upon the assessor's estimated market value for the current year, the structure may be reconstructed if more than 50% of the abutting properties are of the same use.
 5. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building. A dwelling may not, however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Ordinance.

6. Non-conforming single family dwelling units and developed substandard single family lots may be expanded to improve livability as a conditional use provided that the non-conformity is not increased.
7. Nothing in this Ordinance shall prevent the placing of a structure in safe condition providing the necessary repairs shall not constitute more than fifty percent (50%) of fair market value of such structure as determined by the County Assessor.
8. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the non-conformance substantially closer to compliance with the requirements of this Ordinance.
9. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
10. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.
11. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

B. Use of Existing Lots of Record.

1. In any district where residential dwellings are permitted, a garage or accessory building may be located on any lot or plot of official record improved with a dwelling unit as of the date of this Chapter irrespective of its area or width; provided, however;
 - a. The proposed accessory building complies with setback regulations set forth in the respective zoning district.
 - b. The proposed accessory building complies with maximum site coverage requirements set forth in the respective zoning district.
 - c. If located in a shoreland area, the accessory structure complies with shoreland district provisions for the zoning district in which it is located.
 - d. The proposed accessory building complies with all other provisions contained in Chapter 22, Subdivision 3.
2. If in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with one (1) or more contiguous lots so they equal one (1) or more parcels of land that meet the area and width requirements of this Ordinance.
3. Variances of area, width and yard requirements shall be obtained only in accordance with Chapter 23, Subdivision 10 of this Ordinance.

C. Non-Conforming Signs.

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use. Business signs on the premises of a non-conforming building or use may be continued, however, such signs shall not be increased in number, area, height or illumination. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location

on the affected property without being brought into compliance with the requirements of this Ordinance.

Subd. 5. *Enforcement Officer.*

- A. The governing body of the City of Avon shall appoint the City Clerk or a Zoning Administrator. The City Clerk/Zoning Administrator shall enforce this Ordinance and shall perform the following duties:
1. Issue zoning, sewage and other permits and make and maintain records thereof.
 2. To verify compliance of buildings and land use with the terms of this Ordinance.
 3. Maintain permanent and current records of this Ordinance, including, but not limited to: all maps, amendments and special uses, variances, appeals and applications therefore.
 4. Ensure that the appropriate documents are filed with the County Recorder or other appropriate official as required by law.
 5. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
 6. Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
 7. Serve as an ex-officio non-voting member of the Planning Commission and secretary to the Planning Commission and Board of Adjustment.

Subd. 6. *Board of Adjustment.*

- A. The City Council of the City of Avon shall, through the passing of an Ordinance, provide for the establishment of a Board of Adjustment. The Board of Adjustment shall be the Planning Commission. The members of the Board of Adjustment may be paid their necessary expenses in attending the meetings of the Board and in the conduct of the business of the Board. The Board of Adjustments shall elect a chairperson and vice-chairperson from among its members and the Zoning Administrator shall serve as secretary.
- B. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings, which shall include the minutes of its meeting, its findings and the action taken on each matter heard by it, including the final order. The meeting of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.
- C. A majority vote of two-thirds of the full Board of Adjustment shall be required to reverse any decision of an administrative officer in the interpretation of this Ordinance. An appeal from the ruling of an administrative officer of the City made by the proper owner or his agent within thirty (30) days after the making of the order appealed from shall be considered by the Board of Adjustment. The procedure for making such an appeal shall be as follows: The property owner or his agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. The Board of Adjustments shall make its decision by resolution within sixty (60) days, unless and extension is provided for in accordance with State Statute 15, and a copy of the resolution shall be mailed to the applicant by the Zoning Administrator. All decisions by the Board of Adjustment shall be final.

Subd. 7. *Planning Commission.*

- A. The Planning Commission shall provide assistance to the City Council and Zoning Administrator in administration of this Ordinance, and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments and conditional use permits.
- B. The Officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting thereof in January of each year. The officers shall consist of a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage of such officers as well as any other duties specified within this Ordinance. The Vice-Chairperson shall act for the Chairperson in his/her absence. The Secretary/Treasurer shall be given the duties as may be assigned by the Planning Commission. Vacancies in office of the officers of the Planning Commission shall be filled immediately by the same procedure.
- C. A quorum for any meeting or hearing of the Planning Commission shall be a majority of the voting members of the Commission.
- D. The Planning Commission may set such rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by Roberts Rules of Order, Revised, as may be necessary for the proper conduct of the business of the Planning Commission.
- E. The members of the Planning Commission may receive such compensation for per diem and expenses as may be allowed by the City Council.

Subd. 8. *City Council.*

- A. The City Council shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
- B. The City Council may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The council shall make written findings of fact and keep appropriate minutes of its meetings. The reasons for the Council's decisions may be stated.
- C. The decision of such Council shall be final. However, any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

Subd. 9. *Zoning Amendments.*

- A. Criteria for Granting Amendments: The City Council may adopt amendments to the zoning ordinance and the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City.

B. Procedure:

1. An amendment to the text of the Ordinance or the Official Zoning Map may be initiated by the City Council, the Planning Commission or by application of a property owner.
 2. Individuals wishing to initiate an amendment to the zoning ordinance shall complete a zoning amendment application form and submit it to the Zoning Administrator.
 3. Property Owners initiating an amendment to the official zoning map or regulations specific to an individual zoning district shall submit the following information upon making said application:
 - a. Abstractor's Property Certificate showing property owners' names and addresses within the affected parcel and within three hundred fifty (350) feet from the outer boundaries of said parcel.
 - b. A boundary survey and preliminary building and site development plan.
 4. A public hearing on a rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c. Copies of all notices of any public hearings to consider amendments affecting the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
 5. The City Council shall take action on the application within sixty (60) days following receipt of a complete application, unless an extension is provided for in accordance with Minnesota Statute. The person making the application shall be notified of the action taken. The amendment shall be effective only if three-fourths (3/4) of all members of the Council concur with its passage.
 6. The City shall maintain records of amendments to the text and zoning map of the Ordinance.
 7. Amendments shall be filed with the County Recorder.
 8. A copy of decisions granting zoning amendments within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.
 9. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- C. Fees: To defray administrative costs of processing requests for an amendment to this Ordinance, the applicable fee shall be paid by the petitioner. The applicable fee for a Zoning Ordinance Amendment shall be established by the City Council.

Subd. 10. Conditional Use Permits.

- A. Criteria for granting conditional use permits.
1. In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the City Council may make the following findings where applicable:
 - a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
 - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - e. That adequate measures have been or will be taken to provide or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 - f. The developer shall submit a time schedule for completion of the project.
 - g. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
 - h. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - i. The use is not in conflict with the Comprehensive Plan of the City.
 - j. The use will not cause traffic hazard or congestion.
 - k. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
 - l. The proposed conditional use is not injurious to the use and enjoyment of adjoining property already existing or substantially diminish and impair property values within the immediate vicinity of the proposed conditional use.
 - m. Proof of ownership is provided.
 - n. Conditional uses allowable within shoreland areas shall be subject to the following additional evaluation criteria and conditions:
 - (1) Soil erosion and other possible pollution of public waters shall be prevented both during and after construction;

- (2) The visibility of structures and other facilities as viewed from public waters shall be limited to the extent possible.
- (3) The site shall have adequate water supply and on-site sewage treatment.
- (4) The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B. Additional Conditions:

1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. The conditions may include, but are not limited to, the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of the buildings, including but not limited to increasing setback requirements.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Impose time limitations on the use.
 - j. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - k. Special provisions for the location, design and use of watercraft launching and docking areas.

C. Procedures.

1. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator a Conditional Use application form.
2. The property owner or his/her agent shall meet with the Zoning Administrator to explain his/her situation, learn the procedures for review of request and obtain an application form.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:

- a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
 - c. Copies of all notices of any public hearings to consider conditional use permits relative to the Shoreland Overlay District shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).
5. The petitioner or his representative may appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
 6. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has submitted the application, unless an extension is provided for in accordance with Minnesota Statute.
 7. The City Council shall take action on the application within sixty days after receipt of a complete application, unless an extension is provided for in accordance Minnesota Statute. The City Council, at its discretion, may hold an additional public hearing on the Conditional Use Permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
 8. A copy of decisions granting conditional use permits within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action.
- D. Re-Application. No application for a Conditional Use Permit shall be resubmitted for a period of six (6) months from the date denial of said application.
- E. Periodic Review. If conditions outlined in the Conditional Use Permit are not being adhered to or a Conditional Use Permit for a particular parcel is no longer applicable, the Conditional Use Permit may be reviewed a public hearing following notice of the property owner and publication of said notice at least ten (10) days prior to the review. It shall be the responsibility of the City Clerk/Zoning Administrator to schedule such public hearing, and the owner of land having a Conditional Use Permit shall be allowed to comment on his/her behalf and shall not be required to pay a fee for said review.
- F. Compliance. In the event that the applicant violates any of the conditions set forth in this Permit, the City Council shall have the authority to revoke the Conditional Use Permit.
- G. Records. A record and appropriate minutes shall be prepared by the Planning Commission from the public hearing on the Conditional Use Permit application. Specific findings of fact shall be made in addition to the recommendations of the Planning Commission.
- H. Fees. To defray administrative costs for processing a Conditional Use Permit, the applicable fee shall be paid by the applicant. The applicable fee shall be set by the City Council.

Subd. 11. Interim Use Permits.

- A. Purpose: The purpose and intent of allowing interim uses is:
 1. To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.

2. To allow a use that is presently acceptable but that, with anticipated development, may not be acceptable in the future.
- B. Application, Public Hearing, Notice and Procedure: The application, public notice and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Chapter 23, Subdivision 10 of this Ordinance.
- C. Standards: The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use at the proposed location:
1. Meets the standards of a conditional use permit set forth in Chapter 23, Subd. 10 of this Ordinance.
 2. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
 3. Is allowed as an interim use in the applicable zoning district.
 4. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
 5. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 6. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- D. Termination: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
1. The date specified in the permit;
 2. A violation of the conditions under which the permit was issued; or
 3. A change in the City's zoning regulations which render the use nonconforming.

Subd. 12. Variances.

- A. Criteria for granting variances: A variance to the provision of the Zoning Ordinance may be issued by the Board of Zoning Appeals or the City Council to provide relief to the landowner in those zones where the Ordinance imposes undue hardship or practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:
1. The proposed use is not prohibited in the zoning district in which the subject property is located;
 2. The variance must be in harmony with the general purposes and intent of this ordinance;
 3. The terms of the variance must be consistent with the Comprehensive Plan;

4. The landowner must show that the variance is necessary to alleviate the practical difficulties in complying with the official control. "Practical Difficulty" as used in connection with the granting of a variance means:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control,
 - b. The plight of the landowner is due to circumstances unique to the property, not created by the landowner,
 - c. The variance, if granted, will not alter the essential character of the locality,
 - d. The need for the variance involves more than economic considerations.

B. Procedure:

1. The person applying for a variance shall meet with the Zoning Administrator to explain his/her situation, learn the procedures and obtain an application form.
 2. The person applying for a variance shall then fill out and submit to the Zoning Administrator a variance request form containing the following information:
 - a. Description of the site (legal and address).
 - b. Site plan showing parcel and building dimensions.
 - c. Location of all buildings and their square footage measurements.
 - d. Curb cuts, driveways, sidewalks, parking spaces and off-street loading areas.
 - e. Landscape and screening plans.
 - f. Water, sanitary sewer and storm water plans.
 - g. Any additional information reasonably requested by the Planning Commission.
 - h. If the work will not be completed in one (1) year, the applicant shall submit a time schedule for completion of the work.
 3. The Zoning Administrator shall refer the application to the Planning Commission for review.
 4. The Planning Commission shall hold a public hearing on the proposal. Legal notice concerning official action pursuant to this Chapter shall be as follows:
 - a. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - b. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
- c. Copies of all notices of any public hearings to consider variances under the local shoreland overlay district shall be sent to the Commissioner of the Minnesota Department of Natural Resources or the Commissioner's designee and must be postmarked at least ten (10) days before the hearing(s).

5. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed variance.
 6. The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission and City Council/Board of Appeals must take action on the application within sixty (60) days after the completed application was received, unless an extension is provided for in accordance with State Statute 15. The Commission's recommendation, shall be presented to the Council.
 7. The Board of Appeals or City Council shall not grant a variance until they have received a recommendation from the Planning Commission or until sixty (60) days after the completed application was filed, unless an extension is provided for in accordance with State Statute 15.
 8. Upon receiving a recommendation from the Planning Commission the City Clerk or Zoning Administrator shall place the recommendation on the agenda for the next Board of Appeals or regular City Council meeting. Such recommendations shall be made a part of the permanent written record of said meeting(s).
 9. The Board of Appeals or City Council shall review the application and may at its option conduct a public hearing on the request.
 10. The Board of Appeals or City Council shall make finding of fact and approve or deny a request for variance within sixty (60) days after receipt of the complete application, unless an extension is provided for in accordance with State Statute 15.
 11. A variance of this Ordinance shall be simple majority vote of the Board of Appeals or City Council.
 12. If it grants the variance, the Board of Appeals or City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
 13. A copy of decisions granting variances within the Shoreland Overlay District shall be sent to the Commission of the Department of Natural Resources or the Commissioner's designee, postmarked within ten (10) days of final action. When a variance in the Shoreland Overlay District is approved after the Department of Natural Resources has formally recommended denial, the notification of the approved variance shall include the Board of Adjustment/City Council summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- C. Lapse of Variance: Variance permits shall expire if they have not been installed within one (1) year after the date of issuance.
- D. Fees: To defray the administrative costs of processing requests for variances, the applicable fee shall be paid by the applicant. The applicable fee is in addition to the regular zoning permit. Fees shall be established by the City Council.

Subd. 13. Building Permits.

- A. For the purposes of enforcing this Ordinance, no person shall erect, alter, remodel, wreck, or move any kind of structure or building or part thereof without first securing a building permit. General maintenance of a structure is exempt from this requirement.
- B. In the Shoreland Overlay District, a permit is required for the construction of buildings or building additions (including such related activities as construction of decks and signs), the installation and/or alteration of waste treatment systems, and those grading and filling activities not exempted by Chapter 13 or Chapter 22, Subd. 18 of this Ordinance. The application shall include information necessary or required by the City Clerk/Zoning Administrator to determine the site's suitability for the intended use in addition to evidence that a compliant sewage treatment system will be provided.
- C. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- D. Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator or City Clerk. The following items shall accompany the building permit application unless this requirement is waived by the Planning Commission.
 - 1. Boundary survey of an area including the property in question showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, and topography and waterways if pertinent. Soil tests may be included if pertinent.
 - 2. Preliminary building and site development plan showing building's location, dimensional parking and loading arrangements, vehicular and pedestrian access and egress, surface drainage plan, landscaping plan, utility plan, screening plan, size and location of all signs, building floor plans of all floors, elevations of all specifications as appropriate.
- E. Procedure:
 - 1. Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.
 - 2. Completed building permit forms and a fee as may be established by City Council Ordinance shall be submitted to the City Clerk. If the proposed development conforms in all respects to the Zoning Ordinance, a building permit shall be issued by the City Clerk/Zoning Administrator within a period of sixty (60) days.
 - 3. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a building permit, shall be submitted both to the Planning Commission and the Board of Zoning Appeals for review and appropriate action according to the procedures set forth in this Chapter (20) of this Ordinance.
 - 4. Certificate of Compliance: The City Clerk/Zoning Official or Building Official shall issue a certificate of compliance for each activity requiring a permit as specified in this Chapter. The certificate may take the form of a signature on the building permit application form and will specify the use of land and proposed action conforms to the requirements of this ordinance.
- F. Any use, arrangement or construction at variance with the approved building permit shall be punishable as provided in this Ordinance.
- G. All construction of homes requiring sump pumps will be hooked up to storm sewer drains constructed in the street, if available, by a certified contractor, with a minimum of two inch Schedule #40 PVC drain pipe to a grade for drainage sufficient to prevent freezing, preferably

one quarter inch per one foot grade. A certified statement of compliance shall be signed by the contractor.

- H. Building Permits shall expire one (1) year after the date of issuance. All exterior construction and landscaping must be completed within one (1) year after the date of issuance except permanent surfacing of private driveways must be completed within five (5) years from the date of the initial permit issuance.