

1115.11 Approvals By The Zoning Official

(a) The Zoning Official shall review applications for the following uses and approve, approve with modifications, or deny such applications in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:

- (1) Accessory Uses;
- (2) Signs, except those signs which require Planning Commission approval under this UDO;
- (3) Certificates of Zoning Compliance; and
- (4) Temporary Uses.

(b) Accessory Structures and Uses: Accessory structures and uses , because of their potential size, location, or intensity of activity, may have impact on adjacent property. Due to this potential impact, no accessory use may be constructed, installed or conducted upon any property or lot without the property owner first obtaining an Accessory Use Permit.

(1) Submittal Requirements:

(A) *General Submittal Requirements*: The following general requirements shall apply:

- (i) Each request for an Accessory Use Permit shall include an application form, provided by the City, with the submittal;
- (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
- (iii) Legal Description of property or portion thereof; and
- (iv) Payment of the application fee as established by section 1105.09.
- (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

(B) *Specific Submittal Requirements*: The application shall include:

- (i) Address and zoning classification of the subject property;
- (ii) Description of the existing uses on the property and the proposed use;
- (iii) A list of the surrounding uses and zoning classification(s); and
- (iv) A Site Plan that meets the requirements of section 1115.08(d)(2).

(2) **Requirements**: Accessory uses and structures may only be erected upon a lot on which a principal structure already exists. The use of the accessory structures must be secondary and incidental to the principal use.

(3) **Standards for Approval**: No Accessory Use Permit shall be granted unless the proposed accessory use meets the general provisions, and applicable specific requirements, of the City's Accessory Use Regulations, as outlined in section 1113.05.

- (c) Signs: Unless approval is required by Planning Commission or Council under other applicable provisions of this UDO, no display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until a Sign Permit has been issued by the Zoning Official.

(1) Submittal Requirements:

(A) *General Submittal Requirements*: The following general requirements shall apply:

- (i) Each request for a Sign Permit shall include an application form, provided by the City, with the submittal;
- (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
- (iii) Legal Description of property or portion thereof;
- (iv) Payment of the application fee as established by section 1105.09; and
- (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

(B) *Site Plan*, which shall show:

- (i) Address and zoning classification of the subject property;
- (ii) Surrounding uses and zoning classification(s);
- (iii) The proposed sign(s) location, including distance from the public right-of-way and the property lines;
- (iv) The location of all other existing signs located on the same premises; and
- (v) The relationship of the proposed sign(s) to access drives, parking areas and buildings.

(C) *A Sign Graphics Plan*, including showing:

- (i) Plans and/or blueprints, to scale, of the proposed signage, including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign;
- (ii) The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
- (iii) The location, size, and illumination of wall signs, ground mounted signs, and directional signs;
- (iv) Color renditions of the proposed signage; and
- (v) Elevation drawings of ground mounted signs and/or a façade elevation (showing the height and proportions) for wall signs.

- (2) **Requirements**: All proposed signs shall meet the requirements outlined in Section 1109.07 and/or Section 1111.08, as applicable, for the zoning district and proposed sign type.

(3) **Standards for Approval:** No sign permit shall be issued unless the proposed sign meets all of the following standards:

- (A) The sign fully complies with the applicable requirements of this UDO;
- (B) The sign is aesthetically harmonious with its surroundings;
- (C) The sign does not create a hazardous conflict with traffic control signs and devices;
- (D) The sign will be located and is designed to maintain a safer and orderly pedestrian and vehicular environment;
- (E) The sign will not be detrimental to other development on nearby property or other uses located on the same property; and
- (F) The sign will not create a hazard or prove dangerous to the traveling public.

(d) Certificate of Zoning Compliance: A Certificate of Zoning Compliance demonstrates that a proposed development complies with the requirements of the UDO. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a Certificate of Zoning Compliance has been issued.

(1) **When Required:**

- (A) *PUDs/PRCDs:* Upon approval of the Construction Plans for the PUD or PRCD, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (B) *Subdivisions:* Upon approval of the Construction Plans for the subdivision, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (C) *Site Plans:* Upon approval of a Major Site Plan by the Planning Commission, or a Minor Site Plan by the Zoning Official, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (D) *Telecommunications Overlay District:* For structures requiring administrative approval, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. For structures requiring a Special Permit, upon approval of the Special Permit by Planning Commission, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (E) *Floodplain Overlay District:* A Floodplain Development Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development. For development that is exempt from filing for a Floodplain Development Permit, as listed in Section 1109.02(b)(9), an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (F) *Well Field Protection Overlay District:* For any new or expanded uses in the WFP Overlay District, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. The

Planning Commission, in accordance with this UDO, shall review the application and issuance of the Certificate by the Zoning Official shall be authorized or denied by the Planning Commission

- (G) *Historic Overlay District:* Upon approval of a Certificate of Appropriateness by the Historic Review Board, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (H) *Permitted Uses in a Zoning District:* For any permitted use under this UDO for which a Site Plan is not required, ~~before any construction or development connected with such use may be begun,~~ an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (I) *Conditional Uses in a Zoning District:* For any conditional use under this UDO, for which Planning Commission Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (J) *Changes in Nonconforming Uses:* For any change in nonconforming use, for which Appeals Board Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (K) *Accessory Uses:* An Accessory Use Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
- (L) *Signs:* A Sign Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
- (M) *Other Development:* For any other development that is regulated by this UDO for which specific procedures are not outlined, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.

(2) Submittal Requirements:

- (A) *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for a Certificate of Zoning Compliance shall include an application form, provided by the City, with the submittal;
 - (ii) Only complete applications shall be processed by the City. The City Engineer, the Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
 - (iii) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (iv) Legal description of property or portion thereof; and
 - (v) Payment of the application fee as established by Section 1105.09.

- (vi) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner.

(B) *Specific Submittal Requirements:*

- (i) Address and zoning classification of the subject property;
- (ii) Description of the existing and proposed use;
- (iii) A list of the surrounding uses and zoning classification(s);
- (iv) A Site Plan, sketch plan or any other drawing, plans, or maps the City Engineer or the Zoning Official deems necessary.

(C) *Uses Requiring Administrative Approval in the Telecommunications Overlay District:* All information determined necessary by the Zoning Official to show that the request meets the requirements of Section 1109.01, and any specific submittal required by that Section.

(D) *Uses in the Well Field Protection Overlay District:* All information determined necessary by the City Engineer to show that the request meets the requirements of Section 1109.03, and any specific submittal required by that Section, including a Site Plan.

(3) Standards for Approval: No Certificate of Zoning Compliance shall be granted by the Zoning Official unless the proposed development or use meets all applicable requirements of this UDO.

(4) Expiration: A CZC shall become void at the expiration of one- (1) year after the date of issuance unless construction has begun. If no construction has begun or the use has changed within one (1) year of the date of the certificate, a new application and certificate shall be required.

(e) Temporary Uses: Temporary uses are uses of a charitable, local, or fund-raising nature that are temporary in nature and that may take place on public or private property. Examples of such uses include neighborhood block parties, carnivals or bazaars put on by a nonprofit corporation as a fundraising event.

(1) Submittal Requirements:

(A) *General Submittal Requirements:* The following general requirements shall apply:

- (i) Each request for a Temporary Use Permit shall include an application form, provided by the City, with the submittal;
- (ii) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness;
- (iii) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
- (iv) Legal Description of property or portion thereof; and
- (v) Payment of the application fee as established by Section 1105.09.
- (vi) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s), with a notarized letter

of authorization from the property owner.

(B) Specific Submittal Requirements:

- (i) A sketch plan showing the boundaries of the property;
- (ii) The use of adjacent properties identified and labeled;
- (iii) The location of the temporary use or structure on the property; and
- (iv) A narrative statement regarding the exact nature of the temporary use and plans to mitigate its impact on surrounding properties, by means of traffic control, limited access points, and/or hours of operation.

(2) Standards for Approval: The following standards shall be considered in the review of Temporary Use applications:

- (A) The site, if undeveloped, contains sufficient open space to support the temporary use;
- (B) The site, if developed, contains an area that does not interfere with the function of the permanent use;
- (C) The temporary use has sufficient off-street parking; and
- (D) The public's health, safety, and welfare on and around the temporary use is assured.

(3) Additional Conditions and Safeguards: In approving a request for a temporary use, the Zoning Official may further prescribe any conditions and safeguards that he deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the temporary use shall not be granted.

(f) Administrative Approvals by Zoning Official: The following outlines the procedure under which the Zoning and Zoning Official decides approvals:

- (1) Pre-application Meeting:** If recommended by the Zoning Official, or upon the request of the applicant, the applicant shall meet with the Zoning Official or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) Review by the TRC:** Upon receipt of an application, the Zoning Official may forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and provide comments to the Zoning Official.
- (4) Action by the Zoning Official:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the Zoning Official shall render a decision. The Zoning Official shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has

agreed, or deny an application. His decision shall take effect immediately. Written notice of the Zoning Official's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.

- (5) **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

(Ord. 2009-11. Passed 7-6-09; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2022-12](#) on 5/2/2022