
ARTICLE 11
ADMINISTRATION

SECTION 11.0 ENFORCING OFFICER:

- A. A Zoning Administrator shall be appointed by the legislative body and work under the direction of the legislative body and the Pendleton County Planning Commission for carrying out the provisions and enforcement of this Ordinance. They may be provided with assistance of such other persons as the legislative body directs. The Zoning Administrator shall be the Pendleton County “administrative official” designated under KRS 100.271.
- B. DUTIES OF THE ZONING ADMINISTRATOR: For the purpose of this Ordinance, the Zoning Administrator shall have the following duties:
1. Upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violation(s), ordering the action(s) necessary to correct such violation.
 2. Order discontinuance of illegal uses of land, buildings, or structures.
 3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
 4. Order discontinuance of any illegal work being done.
 5. Determine the classification of a use of land, buildings or structures as a permitted, accessory or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the requirements of the zoning regulations.
 6. Take any other action authorized by this order or this Ordinance to ensure compliance with or to prevent violation(s) of these regulations. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under provisions of KRS 100.271.
 7. Interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator as provided in KRS100.257.

8. Make interpretations of the zoning ordinance so as to avoid impractical or unreasonable requirements of this ordinance as applied for minor or insignificant matters. Zoning Administrator to seek counsel for any such item pertaining to Business and Intensive zoned property.

SECTION 11.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No building or other structure shall be erected, moved, added to, structurally altered or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator's office. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
 1. A completed application form provided by the Zoning Administrator.
 2. The required fee for a zoning permit as provided for in Section 14 of this Ordinance.
 3. A development plan, and other plans, where required by this Ordinance; or
 4. Two copies of a plan drawn at a scale of not less than one (1) inch to one hundred (100) feet showing the following information as identified in Section 11.3 B of this Ordinance (Stage II Development Plan).
- C. **ISSUANCE OF ZONING PERMIT:** The Zoning Administrator shall either approve or disapprove the application. When required by this Ordinance (e.g., Development Plan submitted required) the Planning Commission's approval or disapproval shall also be required. If disapproved, one copy of the submitted plan shall be returned to the applicant marked "Disapproved: and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy similarly marked, shall be retained by the Zoning Administrator.

If approved or approved with conditions and so noted on the plan or by letter, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved" or "Approved with Conditions". Such approval shall be attested by the Zoning Administrator's signature. The other copy similarly marked, shall be retained in the offices of the Zoning Administrator. The Zoning Administrator

shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 11.10 of this Ordinance per KRS100.991.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, where required by the legislative body, has not been obtained within one hundred and twenty (120) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit, where applicable, shall not be obtainable until a new zoning permit has been obtained unless sufficient evidence can be shown that conditions were beyond the applicants control (e.g. weather conditions, or some other extraordinary conditions that would not allow the project to proceed).

SECTION 11.2 DEVELOPMENT PLAN REQUIREMENTS:

- A. For any development in the Commerce Zone and conditional uses in the Rural Zone, no building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones, except in accordance with the regulations of this section and an approved Stage II Development Plan as hereinafter required. Before a permit is issued for construction, at least one (1) copy of the Stage II Development Plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet, shall be submitted to the Zoning Administrator. The Stage II Development Plan shall identify and locate, where applicable, the information as listed in Section 11.3.B. for Stage II Plan Requirements.
- B. All such development plans shall be reviewed by the Planning Commission or Zoning Administrator, as required, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this Ordinance, and any specifically applicable requirements of the Comprehensive Plan.
- C. All development plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.
- D. Amendments to plans may be made in accordance with the procedure required by this Ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

- E. After final approval, the subject area may be developed in phases, provided all of the procedures required by the Planning Commission, or its duly authorized representative, have been complied with.
- F. AMENDMENTS: Any amendments to Stage I and Stage II Development Plans, except for the minor adjustments which may be made by the Zoning Administrator, shall be made in accordance with the procedure required by Subsection A., 2. or A., 3., above, subject to the same limitations and requirements as those under which such development plans were originally approved.
- G. EXPIRATION: Stage II Development plans within the Commerce Zones shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Commerce Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies: substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the planning commission, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation. Notwithstanding anything to the contrary stated in this provision, Development Plans for a Sanitary Landfill subject to the provisions of Section 6.18 of this Ordinance, and for the development of which a favorable statement of local determination has been filed pursuant to KRS 224.40.315(1), shall not expire as provided herein absent an affirmative finding by the zoning administrator that such Development Plans have been abandoned by the owner or developer.

SECTION 11.3 PLAN REQUIREMENTS - STAGES I, II, AND RECORD PLAT:

- A. STAGE I -- PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information:
1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project including the proposed phasing, as applicable.

- b. The present zoning of the subject property and all adjacent properties.
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property, which are proposed to be continued, created, enlarged, relocated, or abandoned.
 - d. Delineation of all existing and proposed residential units in the project, including number, location and description of the housing types.
 - e. Delineation of all existing and proposed nonresidential uses in the project, including location and type of all uses, and the approximate number of acres, gross floor area and heights of buildings.
 - f. Location of proposed streets, pedestrian walkways and landscape areas, identifying approximate dimensions.
 - g. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes.
 - h. Certification from appropriate water and sewer agencies whether services will be available.
 - i. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.
2. The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant. All of the above elements of the plan must be included with the application, unless a specific waiver of an element is granted by the Zoning Administrator.
- B. **STAGE II - PLAN REQUIREMENTS:** The Stage II Plan shall contain all elements of a Stage I Development Plan and shall further conform to the following requirements:
1. Plan(s) of the subject property, drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. All items required for a Stage I Development Plan above.
 - b. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission.
 - c. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.

- d. All housing units on the subject property, including location, maximum height of buildings, number of units in each building, lot arrangement, number of all lots, lot dimensions and setbacks.
- e. Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
- f. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified.
- g. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.
- h. Location of signs indicating their orientation, type, size, height and description.
- i. All utility lines and easements:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances.
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- j. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces.
- k. Circulation System:

- (1) Pedestrian walkways, including alignment, grades, type of surfacing, and width.
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
 - l. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - m. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership; and
 - (4) Non-residential buildings and uses, in order of priority.
 2. The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.
- C. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the Stage II approved plans. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the requirements of the subdivision regulations, where applicable, unless specifically waived by the Planning Commission. The Record Plat shall identify any proposed phasing of development within the submitted Record Plat area, indicating how such phasing is to be tied into the total area.

SECTION 11.4 BUILDING PERMITS (REQUIRED IF KENTUCKY BUILDING CODE ADOPTED): Building permits, if so required by the legislative body, shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Zoning Office. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:

1. A completed application form provided by the Zoning Office;
 2. An approved zoning permit;
 3. The required fee for a building permit as provided for in Section of this Ordinance;
 4. A development plan, if required by this Ordinance; or
 5. Plans approved by the Zoning Office and including any additional information required by the Building Code as may be necessary to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.
 6. All Building Permit applications shall be good for only sixty (60) days after which time they shall expire and no Building Permit may be issued.
- C. **ISSUANCE OF BUILDING PERMIT:** The Zoning Office shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Reviewer's signature. The second copy similarly marked, shall be retained in the Zoning office. The Zoning Office shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for there records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this Ordinance.
- E. **CONSTRUCTION AND USE:** To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and application approved by the Zoning Administrator 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 11.10 of this Ordinance.

SECTION 11.5 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, where applicable, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this

Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this Ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector until the inspector is satisfied that the plans, specifications and intended use conform to the provisions of this Ordinance.

SECTION 11.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision of this Ordinance and to the plans for which the building permit was issued.

SECTION 11.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request to any person having a proprietary building affected by such certificate of occupancy.

SECTION 11.8 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 Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance and the Kentucky Revised Statutes.

SECTION 11.9 FILING OF CERTIFICATE OF LAND USE RESTRICTIONS: A "Certificate of Land Use Restriction" shall be filed in the office of the county clerk by the planning commission, legislative body, and/or board of adjustment, which imposes any land use restrictions according to the provisions of KRS 100.3681 to 100.3684. A \$10.50 fee for recording such filing shall be collected by the body imposing the restriction. This fee shall be paid over to the county clerk. An additional fee, not to exceed \$10.50, may be imposed by the body imposing the restriction for costs of completing and filing the certificate.

SECTION 11.10 PENALTIES: Penalties shall be as provided in KRS 100.991. Violation of this Ordinance shall be a class B Misdemeanor. Each day of this violation shall constitute a separate offense.