

CHAPTER 8

ADMINISTRATION – ADMINISTRATIVE PERMITS AND APPROVALS

SECTION:

- 01-8-1: Purpose
- 01-8-2: Administrative Permits
- 01-8-3: Non-Permit Approvals
- 01-8-4: Site Improvement Performance Agreement and Financial Guarantee

01-8-1: PURPOSE: The purpose of this Chapter is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

01-8-2: ADMINISTRATIVE PERMITS:

A. Procedure.

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
2. The application shall be accompanied by a fee as established by City Council resolution. Applications for amending administrative permits shall be accompanied by a fee as established by City Council resolution.
3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Article. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within ten (10) days of the date of submission.
4. The Zoning Administrator's review shall be based upon the following factors:
 - a. Compliance with and effect upon the Comprehensive Plan and public facilities plans.

- b. The establishment, maintenance or operation of the use, event or activity will not be detrimental to or endanger the public health, safety, or welfare.
 - c. The establishment of the use, event or activity will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - d. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - e. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the performance standards as outlined in Section 01-5-4 of this Article and all other applicable provisions of this Article.
- 5. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
 - 6. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Article shall be attached to the permit.
 - 7. Determination of noncompliance with applicable codes, ordinances, and the standards in this Section shall be communicated to the applicant in writing and the application for the permit shall be considered denied.
 - 8. Unresolved disputes as to administrative application of the requirements of this Section shall be subject to appeal as defined by Chapter 01-3-6 of this Article.

B. Information Requirement. The information required for all administrative permit applications shall include:

- 1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
- 2. A copy of the approved site plan for the property or an "as-built" survey which accurately represents existing conditions on the site, including

entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
4. Certification of current sales tax number as issued by the State, if applicable.
5. Information identified in Section 01-9-6 of this Article, as may be applicable.

C. **Performance Standards.** All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in Section 01-5-4 of this Article.

D. **Administration And Enforcement.**

1. The Zoning Administrator shall keep a record of applications and administrative permits.
2. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
3. Enforcement of the provisions of this Section shall be in accordance with Chapter 3 of this Article. Violation of an issued permit or of the provisions of this Chapter also shall be grounds for denial of future permit applications.

E. **Certification Of Taxes Paid.** Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

01-8-3: NON-PERMIT APPROVALS: In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 01-8-2.A.4 of this Article.

01-8-4: SITE IMPROVEMENT PERFORMANCE AGREEMENT AND FINANCIAL GUARANTEE: Following the approval of an administrative permit or non-permit approval as required by this Chapter and prior to the issuing of any building permits or the commencing of any work, the applicant, as may be applicable, shall guarantee to the City the completion of all private exterior amenities as shown on the approved site plan and as required by the administrative permit, or non-permit approval. The guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as specified in Section 01-3-5 of this Article.