
ARTICLE XV

ADMINISTRATION

SECTION 15.0 ENFORCING OFFICER: A Zoning Administrator (official of officials appointed by the city of Highland Heights, Commonwealth of Kentucky for carrying out the provisions and enforcements of this Ordinance) shall administer and enforce this Ordinance. He may be provided with assistance of such other persons as the city of Highland Heights directs.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation and order the action necessary to correct it. If within thirty (30) consecutive calendar days, the violation has not been corrected, a second written notice shall be sent to the person responsible informing him that as of specified date he shall be considered to be in violation of this Ordinance and liable to be penalized as per Section 15.9 of this Ordinance.

The Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

It is the intent of this Ordinance that all questions of 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, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by State Statutes, Commonwealth of Kentucky.

It is further the intent of this Ordinance that the duties of the Zoning Administrator in connection with this Ordinance shall not include hearing and deciding questions or interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Section 17.2-17.9 of this Ordinance. Under this Ordinance the City Council shall have only the duties of one (1) considering and adopting or rejecting this Ordinance, proposed amendments or the repeal of one (1) considering and adopting or rejecting this Ordinance, as provided by law and two (2) of establishing a schedule of fees and charges as stated in Section 18.0 of this Ordinance.

SECTION 15.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No public or private building or other structure shall be erected, moved, added to, or 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. 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 (In triplicate – See Appendix “A”)
2. The required fee for a zoning permit as provided in Section 18.0 of this Ordinance
3. A development plan, if required by this Ordinance
4. A plot plan in triplicate, drawing at a scale of not less than one (1) inch to one hundred (100) feet showing the following information as required by this Ordinance:
 - a. The location of every existing and proposed building with the number of floors and gross floor area, the use or uses to be contained therein, the number of structures including dimensions, height, and number, size, and type of dwelling units
 - b. All property lines, shape, and dimensions of the lot to be built upon
 - c. Lot width at minimum building setback line
 - d. Minimum front and rear yard depths and side yard widths
 - e. Existing topography, with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one (1) foot contours or spot elevations not more than fifty (50) feet apart shall be required
 - f. The proposed finished grade of the development area shown by contours with intervals not larger than two (2) feet, supplemented, where necessary by spot elevations
 - g. Total lot area in square feet
 - h. Location and dimension of all curb cuts, driving aisles, parking and loading and/or unloading spaces including number of spaces, angle of stalls and illumination facilities
 - i. Layout, type of surfacing, cross sections and drainage plans for off-street parking facilities
 - j. A drainage plan of the lot area including provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control and practices and measures which will be implemented during all phases of clearing, grading, and construction
 - k. All walks, malls, and open spaces
 - l. Location, type and height of all walls, fences and screen plantings
 - m. Location, size, height, class and orientation of all signs
 - n. Location of all existing and proposed streets including rights-of-way and pavement widths
 - o. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades

- p. And such other information as may be required by the Zoning Administrator to determine conformance with and provide for enforcement of this Ordinance and State Statutes of the Commonwealth of Kentucky
- C. **ISSUANCE OF ZONING PERMIT:** After thorough study of the submitted information the Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required) Planning Commission approval or disapproval shall also be required). If disapproved two (2) copies 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 Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.
- If approved two (2) copies of the submitted plans shall be returned to the applicant marked "approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by 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 15.9 of this Ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.
- F. **ZONING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Zoning permits issued in conformance with the Zoning Ordinance of the city of Highland Heights prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of ninety (90) consecutive calendar days from the time of issuance of the permit. If a building permit has not been obtained within such ninety (90) consecutive calendar day period, the zoning permit shall be void and a new permit, consistent with all provisions of this ordinance shall be required.

SECTION 15.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No public or private building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Inspector. 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 Building Inspector
 2. An approved zoning permit
 3. The required fee for a building permit as provided for in Section 18.0 of this Ordinance
 4. A development plan, if required by this Ordinance
 5. Plans in duplicate approved by the Zoning Administrator and including any additional information required by the Building Code and/or Building Inspector, as may be necessary to determine conformance with and provide for the enforcement of the building code and the State Statutes of the Commonwealth of Kentucky
- C. ISSUANCE OF BUILDING PERMIT: After thorough study of the submitted information, the Building Inspector 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 Building Inspector's signature. The second copy similarly marked, shall be retained by the Building Inspector.
- If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "approved". Such approval shall be attested by the Building Inspector's signature. The second copy, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his 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. BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE: Building Permits issued in conformance with the Building Code of the city of Highland Heights prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of ninety (90) consecutive calendar days from the time of issuance of the permit. If construction in connection with such a permit has not been started within such a ninety (90) consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the Building Code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. EXPIRATION OF BUILDING PERMIT: If the work described in any building permit has not begun within ninety (90) consecutive calendar days form the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector and no construction shall be permitted until a new building permit has been obtained.

- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, and permits, zoning permits and building permits issued on the basis of plans and applications, approved by the Zoning Administrator and/or Building Inspector, 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 in Section 15.9 of this ordinance.

SECTION 15.3 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, 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 Instructor before he is satisfied that the plans, specifications and intended use conform to the provisions of this ordinance.

SECTION 15.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this ordinance.

SECTION 15.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee as provided for in Section 18.0 of this ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for non-conforming uses of land and buildings shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such nonconforming uses within twelve (12) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the Building Inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 15.6 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 provisions of this ordinance and to plans for which the building permit was issued.

SECTION 15.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the offices of the Building Inspector and copies shall be furnished, for a normal charge, on request to any person having a proprietary building affected by such certificate of occupancy.

SECTION 15.8 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 State Statutes, Commonwealth of Kentucky.

SECTION 15.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall, upon conviction, be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.