

Article 3: Administration

3.1 Administrative Official.

The Joint City-County Planning Commission Director and his/her designated representatives shall administer and enforce these Regulations. If the Director finds that any of the provisions of these Regulations are being violated, the Director shall take such action as is permitted by law. The Planning Commission Director and his/her designated representatives, in the performance of his/her duties and functions, may enter upon any land and make examination and surveys that do not occasion damage or injury to private property. Moreover, it shall be illegal for any person or entity to interfere with any employee of the Joint City-County Planning Commission in carrying out the duties assigned by the Planning Commission. In addition to the foregoing, the Director shall have authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto and discontinuance of any illegal work being done. All questions of interpretation and enforcement shall be first presented to the Director, and such questions shall be presented to the appropriate Board of Adjustment only on appeal from the decision of the Director, and recourse from the decisions of the Board of Adjustment shall be to the courts, as provided by law.

3.2 Zoning Compliance Permits. Zoning compliance permits shall be issued in accordance with the following provisions:

- A. Permit Required. No land shall be used and no building or other structure shall be erected, moved, added to, structurally altered, demolished, or changed from one permitted or conditional use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Director or his/her designated representatives.
- B. Exceptions. The following exceptions shall apply:
 - (1) Agricultural Structures. A zoning compliance permit is required to erect, move, add to, demolish, or structurally alter an agricultural structure to ensure compliance with use, minimum setback and floodplain requirements, as set forth in these Regulations. A plot plan and affidavit verifying the agricultural use and attested by the owner's signature shall accompany the permit application. Zoning compliance permit fees shall be waived for qualified agricultural structures, as defined in these Regulations.
 - (2) Public Facilities. A zoning compliance permit is required to erect, relocate, add to, structurally alter, demolish, or change from one permitted or conditional use to another, for any public building or structure. Zoning compliance permits are not required for public utility distribution and collection structures, such as pipes, transmission lines, transformers, meters, etc. The zoning compliance permit fee shall be waived for all public facilities.
 - (3) Routine Maintenance and Repair. No zoning compliance permit shall be required for routine maintenance and repair, as defined in these Regulations.
 - (4) Public Improvements. No zoning compliance permit shall be required for the installation of required public improvements, such as streets, roads, water, sewer, etc.
 - (5) Private driveways, parking areas, and sidewalks. No zoning compliance permit shall be required for the installation of private driveways, parking areas, or sidewalks.

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- 3.3 Application for Zoning Compliance Permits. Applicants for a zoning compliance permit must be an owner or an individual with an interest in the property involved, which interest may consist of an ownership interest, valid and effective sales contract, or option agreement signed by the owner of record or letter of permission signed by said owner of record. All applications for zoning compliance permits shall be accompanied by:
- A. Completed zoning compliance permit application form provided by the Planning Commission;
 - B. Copy of deed and/or plat/survey of the property;
 - C. A plot plan drawn to scale and showing the following information:
 - (1) All property lines, shape and dimensions of the lot to be built upon and total lot area in acreage or square feet;
 - (2) Type, location, and dimensions of existing and proposed buildings, structures, driveways, sidewalks, etc.
 - (3) Distances (setbacks) of all buildings and structures from front, side, and rear property lines, as measured from the overhang to the property line;
 - (4) Location and dimensions of existing and proposed streets, access points, driveways, off-street parking spaces;
 - (5) Location of sidewalks, walkways and open spaces;
 - (6) Location, type and height of walls, fences and screen plantings;
 - (7) Location of existing and proposed easements; and,
 - (8) For demolition permits, show the location and setbacks of structure to be demolished and the size of existing structures and construction that are to remain on the site.
 - D. An approved entrance/encroachment permit from the appropriate agency, if applicable;
 - E. An approved stormwater management plan from the appropriate agency, if applicable;
 - F. An approved on-site septic system evaluation and/or final inspection by the Nelson County Health Department, if applicable;
 - G. For multi-family residential, professional office, commercial, and industrial uses, an approved development plan or site plan, if applicable;
 - H. For properties with historic overlay zoning, an approved Certificate of Appropriateness, if applicable;
 - I. Zoning compliance permit fee as provided for in Article 17 of these Regulations; and,
 - J. Any additional documentation necessary to determine compliance with applicable laws, rules, and regulations.
- 3.4 Issuance of Zoning Compliance Permit. The Director shall either approve or disapprove the zoning compliance permit application within one (1) week from the date of submission. If disapproved, the Director shall deny the application and send a written notification of disapproval, attested by the Director's signature, to the applicant indicating the reasons for such disapproval thereon. If approved, a zoning compliance permit, attested by the signature of the Director or his/her designated representative, will be issued to the applicant. The Director shall retain a duplicate copy of the permit, application, and accompany plans and documentation for the Planning Commission records. Oversize plans may be discarded after two (2) years from the date of issuance.
- 3.5 Validity. The issuance of a zoning compliance permit shall not waive any provision of these Regulations.
- 3.6 Failure to Comply. Failure to obtain a zoning compliance permit shall be a violation of these Regulations and punishable under Article 14 of these Regulations.

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- 3.7 Expiration of Zoning Compliance Permit. If a building permit has not been obtained within sixty (60) consecutive calendar days from the date of issuance of zoning compliance permit, said zoning compliance permit shall expire and be canceled by the Director and a building permit shall not be obtainable until a new zoning permit has been obtained. If substantial completion has not been made within six (6) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void. If a zoning compliance permit is renewed before the expiration date, applicable permit fees will be waived.
- 3.8 Certificate of Occupancy. It shall be unlawful for an owner to use or permit the use of any building or land 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 Nelson County Building Inspector. 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 these Regulations and to the plans for which the zoning compliance permit was issued. A record of all certificates of occupancy shall be kept on file in the offices of the Nelson County Building Inspector.
- 3.9 Complaints Regarding Violations. Whenever a violation of these Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Any investigation, charge, or complaint which originated with or arises out of a complaint by a person other than the Director shall not be commenced until the complaint has been reduced in writing and signed by the complaining witness, provided, however this should not be construed to prohibit the Director from initiating or investigating a complaint without having first received a complaint by another person. Such complaint stating fully the causes and bases thereof shall be filed with the Director. The Director shall record properly such complaint, investigate same within five (5) working days, and take action thereon as provided by these Regulations and the Kentucky Revised Statutes.

Amended 8-30-06