

Chapter 14.44

Administration and Enforcement

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14.44.01 Administrative Officer. The provisions of this zoning ordinance shall be administered by the Department of Planning, Inspection, and Code Enforcement under the direction of the city planner, who shall act as an administrative official. They may be provided with the assistance of such other persons as the mayor may direct. It shall be the duty of the administrative official to see that this ordinance is enforced through the proper legal channels. Appeal from the decision of the administrative official may be made to the board of zoning adjustment. The administrative official, and his designees, are generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this ordinance; said activities to include, but not be limited to, the following:

(a) Permits. To issue a zoning permit, building permit, and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.

(b) Collections. To cause the collection of the designated fees as set forth in these regulations.

(c) Records. To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning and building permits, and certificates of occupancy, and the receipt of complaints of violation of these regulations and action taken on the same, and to file such for record.

(d) Inspections. To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

(e) Enforcements. To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Jonesboro may enjoin any individual or property owner who is in violation of this ordinance to prevent or correct such violation. Any individual aggrieved by a violation of this ordinance may request an injunction against any individual or property owner in violation of this ordinance, or may mandamus any official to enforce the provisions of this ordinance.

(f) Advisements. To keep the mayor, city council, planning commission, and board of zoning adjustment advised of all matters other than routine which relate to the administration and enforcement of this ordinance.

14.44.02 Zoning and Building Permits. It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until a zoning permit and a building permit has been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. A zoning permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition a change of use for commercial, industrial and multi-family purposes. In addition, a zoning permit evidencing compliance with the provisions of this ordinance shall be a pre-requisite to the issuance of a city privilege or occupation license.

All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage and such other information as may be necessary to provide for the administration of this ordinance. **Site plans shall be required for all multi-family development proposals of five (5) units or more; as well as for all new commercial and industrial development and substantial redevelopment.**

Site plans by a registered surveyor or engineer shall be required for all multi-family development proposals of four (4) units or more; as well as for all new commercial and industrial development and substantial redevelopment. Multi-family development plans of five (5) or more units shall require the seal of a licensed architect in the State of Arkansas.

Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that large-scale commercial development of over seventy-five thousand (75,000) square feet of gross floor area, and multi-family developments of more than forty-eight (48) units shall be approved by the Metropolitan Area Planning Commission. Site plan decisions by the MAPC shall be subject to appeal to the City Council. Complete requirements for site plans are included in the appendices hereto.

14.44.03 Certificate of Occupancy.

(a) Purpose and authority. Certificates of occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this chapter, as well as any site plans or conditional approvals for such structures and development.

The building inspector shall have the authority and responsibility to issue and keep records of certificates of occupancy in accordance with the requirements set forth in the ordinance, and the building code.

A certificate of occupancy must be applied for and issued by the building inspector prior to occupancy and use of a structure or premises for any of the following:

- (1) Any new structure.
- (2) Any addition to an existing nonresidential structure.
- (3) Any change in occupancy or use of a building or premises that involves nonresidential occupancy.
- (4) Placement or change in occupancy of any mobile home on any lot or parcel, regardless of use.

(b) Procedure. A certificate of occupancy shall be applied for coincident with the application for a building permit and must be issued before occupancy and connection of utilities to such building.

The building official or his designated agent shall inspect the property which is the subject of an application within a reasonable time, after a completed application has been filed, and shall issue a certificate of occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Jonesboro. If the premises do not so comply, the building official shall deny the application in a written notice mailed to the applicant with five (5) days, excluding weekends and holidays, after the inspection of the property, specifying the provisions of which ordinance or code the structure or development does not comply.

A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A temporary certificate of occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy or any other matter required by this ordinance.

(c) Contents of Certificate of Occupancy. Information required for submission to obtain a certificate of occupancy shall include:

- (1) Name of applicant.
- (2) Nature and extent of the applicant's ownership interest in the subject property.

- (3) Address of the property for which a certificate is requested.
- (4) A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.
- (5) **a. (4) copies of a** site plan for any new construction (same as required for a building permit) for the structure or the development of which such structure is a part is required.
- b. (4) copies of architectural plans for the proposed structure or the development of which such structure is a part is required. When no new work is required with a change in use of a commercial space, such request for Certificate of Occupancy shall accompany a letter of code analysis by a registered Architect within the State of Arkansas certifying compliance with all applicable building, zoning and fire codes.**
- (6) Such other information as requested by the building official to ensure conformance with applicable development regulations.

14.44.04 Penalty for Violation. Any person, firm or corporation who shall violate any of the provisions of this zoning ordinance or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a “class C” misdemeanor and shall be liable to a fine of not more than five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.