

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

(6) *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 chapter.

(Zoning Ord., § 14.44.01)

Sec. 117-32. Zoning and building permits.

(a) 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 multifamily pur-

poses. In addition, a zoning permit evidencing compliance with the provisions of this chapter shall be a prerequisite to the issuance of a city privilege or occupation license.

(b) 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 chapter.

(c) Site plans, sealed by a professional engineer licensed in the state shall be required in accordance with the city stormwater management/drainage ordinance for all development or redevelopment proposals. Multifamily development plans of five or more units and all commercial developments shall be sealed by an architect licensed in the state.

(d) Site plans shall be required for all multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment. 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 75,000 square feet of gross floor area, and multifamily developments of more than 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.

(e) The design professional, engineer, architect, or landscape architect, preparing and sealing site plans as prescribed under this section shall periodically inspect the construction of all site improvements shown on and required by the site plan approved by the city planner and/or the Metropolitan Area Planning Commission and shall verify that, to the best of the design professional's knowledge, all improvements have been constructed and completed in accordance with said plan. A letter verifying this fact shall be submitted to the city planner prior to issuance of a certificate of occupancy.

(Zoning Ord., § 14.44.02; Ord. No. 3429; Ord. No. 07-3165, 12-18-2007)

Sec. 117-33. Certificate of occupancy.

(a) 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.

(b) 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 this chapter, and the building code.

(c) 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.

(d) 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.

(e) 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. If the premises do not so comply, the building official shall deny the application in a written notice mailed to the applicant with five 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.

(f) 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 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 chapter.

(g) A temporary certificate of occupancy shall not be issued until the owner of the property and/or the general contractor have posted a surety bond, irrevocable letter of credit with automatic renewal, or other instrument approved by the city attorney to ensure that incomplete building improvements and/or site improvements are completed as required by the city zoning permit and/or the city building permit issued for the property. The amount of the bond shall be equal to the cost of the remaining work to be completed as determined by an architect or engineer registered in the state or by a licensed general contractor and verified by the city engineer or the chief building official.

(h) Information required for submission to obtain a certificate of occupancy shall include:

- (1) The name of applicant.
- (2) The nature and extent of the applicant's ownership interest in the subject property.
- (3) The 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) Four copies of a site plan for any new construction, same as required for a building permit, for the struc-

ture or the development of which such structure is a part, is required.

- (6) Four 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 certifying compliance with all applicable building, zoning and fire codes.
- (7) Such other information as requested by the building official to ensure conformance with applicable development regulations.

(Zoning Ord., § 14.44.03; Ord. No. 3430; Ord. No. 07:3165, § 2, 12-18-2007)

Sec. 117-34. Amendments.

Two types of amendments to this zoning chapter are recognized; one being a revision in the textual provisions of the chapter, and the other being a change of boundary in a zoning district.

- (1) *Amendment to text.* Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.
 - a. *Notice.* The city planner shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice, and ensure that the