
ARTICLE

4

ENFORCEMENT and PERMITTING

SECTION 400

Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use or character without a permit that has been issued by the Zoning Administrator or designee. Zoning permits are required for single family dwelling units, duplex dwelling units, residential additions and accessory structures except when Site Plan Review is otherwise required by this order. Zoning permits are also required for tenant finishes for previously occupied commercial structures and where tenants were not known at the time when Site Plan Review was conducted by the Boone County Planning Commission for a completed structure. Site Plan Review is required when specified by individual zoning districts or Article 30.

For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is 4 feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County Subdivision Regulations if applicable, is required if a proposed retaining wall is greater than 4 feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.

Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Administrator receives a written order from the Board of Adjustment and Zoning Appeals deciding an appeal, conditional use, or variance. Neither the Zoning Administrator nor the Building Inspector shall have the power to permit any construction, or to permit any use or change of use which does not conform to the literal terms of the zoning regulations.

SECTION 403

Contents of Application for Zoning Permit

The owner or applicant seeking a permit shall obtain and complete the Application for Zoning Permit, provided for this purpose. The application for zoning permit shall be completed in full and signed by the owner or applicant attesting to the accuracy of all information supplied on the application and all supplemental material required by said application. Each application shall clearly state that the permit shall expire if work has not begun or the authorized use has not been initiated within two (2) years. A copy of the approved Demolition Permit shall be submitted with any zoning permit application that includes demolition work.

SECTION 405

Approval of Zoning Permit

Within seven (7) days after the receipt of an application, the Zoning Administrator or his designee shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall, however, be conditional upon the commencement of the improvement(s) or use within two (2) years. One

copy of the plans shall be returned to the applicant by the Zoning Administrator after he has marked such copy either as approved or disapproved and attested to the same by appropriate signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. A copy of the approved plans shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

SECTION 408

Expiration of Zoning Permit

If the improvement(s) or use described in any zoning permit has not begun within two (2) years from the date of issuance thereof, said permit shall expire. The permit may be extended for up to six (6) months, if good cause has been shown, upon request of the applicant prior to the date of expiration by the Zoning Administrator.

SECTION 410

Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize the use, arrangement and construction set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this order, except those authorized in compliance with this order and other applicable codes and ordinances, and is punishable as provided in Section 430 of this order.

SECTION 420

Complaints Regarding Violations

Whenever a violation of this order 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 or Enforcement Officer. The Administrator or Enforcement Officer shall record properly such complaint, immediately investigate, and if warranted, take action thereon as provided by this order.

SECTION 430

Penalties for Violation

Any person or entity who violates any of the provisions of this order shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day a violation exists shall constitute a separate offense. For any legislative body with a Code Enforcement Board, penalties shall be as duly adopted by said legislative body.

SECTION 440

Code Enforcement Boards

If any of the legislative bodies create a code enforcement board pursuant to KRS 65.880 or other applicable law for which violations of zoning regulations are classified as a civil offense and civil fines are imposed, then such violations shall be referred to the code enforcement board for enforcement purposes. The City of Florence has duly established a Code Enforcement Board for this purpose.

SECTION 450

Compliance with Regulations

The regulations for each district set forth by this order, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided in this order. Further, the following provisions apply;

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall be erected or altered to:
 - a. Provide for greater height or area or,
 - b. Accommodate or house a greater number of families or,
 - c. Have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of this order.
3. No yard or lot existing at the time of passage of this order shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this order shall meet at least the minimum requirements set forth herein, except in the case of subdivisions as specified in Article 2 Section 275 of this order.

SECTION 460

Schedule of Fees, Charges, and Expenses

The Planning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal advertising, postage, and other expenses. Such fees shall bear relationship to the costs of administering and enforcing the actions requested. The schedule of fees shall be posted in the office of the Zoning Administrator. Until all application fees, charges, and expenses have been paid in full, no review shall begin on any application or appeal.