

Chapter 7

Land Use Code, Title 12

BUILDING PERMITS AND REGULATIONS

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Section 7-1 BUILDING INSPECTOR DESIGNATED.

1. The City Council shall designate a competent individual as Administrator to administer and enforce this Ordinance. The Administrator may be provided with additional staff as the City Council may direct.
2. Should the Administrator find that any of the provisions of this Ordinance, or conditions or limitations imposed on land use pursuant thereto, are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done' or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 7-2 BUILDING PERMIT REQUIRED.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Administrator. No building permit shall be issued by the Administrator except in conformity with the provisions of this Ordinance, unless he receives a written order from the Variance Committee in the form of an administrative review, or variance as provided by this Ordinance.

1. No permit shall be issued for any building, construction, or repair of any building unless said building, construction, or repair fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application.

An ordinance which regulates the issuance of building permits and building requirements.

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2. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the City Council. However, the Variance Committee shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the Variance Committee upon the evidence finds:
 - a. that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit is granted, or that balancing the interest of the city in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity, or that denying the special exception would constitute an unconditional prohibition of development of the property.
 - b. Before taking any such action, the Variance Committee shall hold a public hearing thereon. In the event that the Variance Committee decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

Section 7-3 APPLICATION FOR BUILDING PERMIT.

1. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimension and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrator including existing or proposed building or alteration; existing or proposed uses of the building and land the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.
2. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy

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either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Building Inspector.

Section 7-4 EXPIRATION OF BUILDING PERMIT.

1. If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; if shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Section 7-5 OCCUPANCY PERMIT REQUIRED.

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by a Wellington City building inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy, or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A final inspection will not be performed, and an occupancy permit will not be issued, until after the approved requirements of the site plan are met.

Section 7-6 SITE PLANS REQUIRED.

A detailed site plan, with scale and sheet size determined by the Wellington City Planning and Zoning Commission or the Wellington City Zoning Administrator, when authorized, shall be filed as part of any application, prior to request for a zoning permit. It shall show, where pertinent:

1. Scale of plan, and direction of north point.
2. Lot lines, adjacent streets, roads, rights-of-ways.
3. Location of all existing structures on subject property and

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adjoining properties, with utility lines, poles, etc., fully dimensioned.

4. Location of proposed construction and improvements, with location and dimension of all signs.
5. Any parking lot to be built new or re-modeled must be built to plan, have proper drainage, and must have a building permit. Building permit fee shall be determined by the Wellington City Council.
6. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location.
7. Necessary explanatory notes.
8. Name, address, telephone number of builder and owner.
9. A landscaping plan. All areas not covered by buildings or by off-street parking space or driveways shall be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practices. Permanent sprinkler systems shall be installed when required by the Planning and Zoning Commission to provide for irrigation of planted areas.
10. All other information required as determined by the Wellington City Planning and Zoning Commission or the Wellington City Zoning Administrator when authorized.

Section 7-7 INSPECTION.

The Wellington City building inspector is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning ordinance provisions. The Wellington City building inspector or any authorized employee of the City of Wellington shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

Section 7-8 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NON-CONFORMING USES.

1. It shall be unlawful to use or occupy or permit the use or

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occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of zoning compliance shall have been issued therefor by the Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

2. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Administrator. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses of structures shall have three months to apply for certificates of zoning compliance. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
3. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
4. A temporary certificate of zoning compliance may be issued by the Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public. The Administrator shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 1-11 of this Ordinance.

Section 7-9 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrator 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

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variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Part 12-2-10 hereof.

Section 7-10 LICENSING.

All departments and public employees of the City of Wellington which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.