

*SECTION 8*



## **SECTION 8**

### **Improvement Location Permits**

The purpose of this section is to describe the process for obtaining improvement location permits and the conditions which have to be met in order to obtain them. It also deals with occupancy permits. The issuance of such permits is absolutely critical for the implementation of a zoning ordinance with respect to both temporary and permanent improvements to structures, buildings, and land.

#### **8.1 Applicability**

- A. No special use may be approved:
  - i. under Subsection 7.3,
  - ii. no change in an FP District may be made under Subsection 3.3, and
  - iii. no other change in the use of land (except an agricultural use) that involves a change in any structure on or in any land, building any new structure, or change in the condition of the land, may be made unless the Administrator on application, issues an improvement location permit authorizing the change.
  
- B. The filing fees for improvement location permits shall be as follows:
  - i. The fee for an electrical improvement permit and inspection for revamping, relocating, and/or upgrading shall be Five Dollars [\$5.00].
  - ii. The fee for all other improvement location permits shall be a flat fee of Ten Dollars (\$10.00).

#### **8.2 Certificate of Occupancy**

- A. No application for an improvement location permit under Subsection 8.1 may be considered unless the applicant has also applied for a certificate of occupancy.
- B. No land or structure with respect to which a permit has been issued under Subsection 8.1 may be used for the purpose contemplated by the permit unless the Administrator, after the change is completed, issues a certificate of occupancy stating that the change complies with this ordinance and with the permit.
- C. Within ten days after the completion of the change authorized by the improvement location permit, the Administrator or his designee shall inspect the premises and, if the change conforms to this ordinance and the improvement location permit, and a certificate of compliance, if required by Subsection 8.4, has been obtained, he shall issue a certificate of occupancy.

#### **8.3 Site Plan and Construction Drawings**

- A. In addition to all other required applications, information and permits from other governmental agencies, a person who applies for an improvement location permit under Subsection 8.1 must furnish the Administrator with plans drawn to scale showing:
  - i. the location and legal description of the land concerned;

- ii. the location and size of all buildings and structures already on the land and those to be erected, including parking, signage, landscaping, and screening;
- iii. the size of all entrances to and exits from the land, including all adjacent streets and highways;
- iv. detailed drawings showing all construction and materials; and

Plans so furnished shall be kept by the Administrative Officer as permanent records.

- B. As a condition of issuing a permit, the Administrator may require changes to the landscape plan, the relocation of any structures or buildings, or of any entrance or exit, or the inclusion of entrances or exits not shown on plan, or the deletion of any entrance or exit, if the requirement is necessary in the interest of the public welfare or to an appropriate balancing of the interests of persons in the district and vicinity concerned.

#### **8.4 Industrial Uses: Certificate of Compliance**

If an application for an improvement location permit relates to an industrial use, it must be accompanied by a certificate of compliance, certified by a registered professional engineer of the state, stating that the use will meet the performance standards of the district concerned. After ten working days have elapsed during which the Administrator has not required additional information or objected in writing, he shall issue the permit.

#### **8.5 Mobile Homes**

- A. Mobile homes shall be permitted as temporary uses only, subject to Subsection 4.1 and the Primary Use Table and this section.
- B. In the event that a single family home has been destroyed by fire, explosion, act of God, or the public enemy and an improvement location permit has been issued for its replacement or reconstruction, the property owner may make application for an improvement location permit for a mobile home to be placed on the same property for a period not to exceed one (1) year. No extensions of time shall be permitted by the Administrator.
- C. Application procedures and requirements shall be the same as for any other improvement location permit.
- D. Placement of the mobile home shall be subject to all use requirements and restrictions applicable to a single family home.
- E. In addition to all other requirements, the property owner shall post a one thousand dollar (\$1,000.00) cash bond in favor of the Town of Winslow to be held by the Town Clerk or the County Auditor. Said cash bond shall be returned without interest upon removal of the mobile home and the issuance of a certificate of occupancy for the constructed or reconstructed single family home. Said cash bond may be drawn on by the Council of the Town of Winslow, at the Council's discretion upon the advice of the Administrator, that the property owner has failed to remove the mobile home either at the end of one (1) year or within 30 days the issuance of the certificate of occupancy for the constructed or reconstructed single family home, whichever occurs first. Said cash bond may be used to defray expenses incurred by the Town for the removal of the mobile home and/or legal costs directly associated with the enforcement of this ordinance.

F. Subsection 8.5 is not intended nor should it be construed to limit the damages, legal or equitable, that the Town of Winslow may seek in the enforcement of this ordinance, nor should Subsection 8.5 be construed as authorizing any violation of this ordinance and/or the subdivision ordinance and the designated uses of respective parcels of real estate.

**8.6 Records**

A record of each improvement location permit and each certificate of occupancy shall be kept by the Administrator. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned.

**8.7 Issuance or Denial**

The Administrator shall accept only a complete application and issue the improvement location permit or deny the application together with a statement of reasons for the denial within a period of eight working days following its submittal, except for the longer period of time required for industrial uses as provided in Subsection 8.4.

**8.8 Appeals**

A decision of the Administrator under Subsection 8.7 may be appealed to the Advisory Board of Zoning Appeals subject to the provisions of Subsection 7.2.

**8.9 Expiration**

An improvement location permit shall be valid for a period of one (1) year at which time it shall expire, unless work authorized by the improvement location permit is proceeding and inspections have been made by an official town inspector, in which case it shall remain in full force and effect.

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