

ARTICLE 3. PERMITS AND CERTIFICATES OF OCCUPANCY

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Adopted Amendments:

July 30, 2008 (Order and Resolution 07-30-2008A)
Section 3.130

Article 3: Permits and Certificates of Occupancy

Division I. General Permit Requirements

Section 3.010. Purpose and intent

It is the intent of this Article to set forth the permits that are required for the development of property in the County and the regulations governing the application for, consideration of and issuance of permits. This article will allow a person developing property to determine when a permit is required, what information must be submitted and what criteria will be used by the County to determine if the permit shall be issued. This article also sets forth the procedures that must be followed if the applicant desires to appeal the non-issuance or revocation of a permit.

Section 3.020. List of permits and certificates

The following chart contains a list of the possible permits and certificates that may be required for the development of property in the County. The "purpose" column is only for descriptive guidance to the reader. A determination of whether a permit is required for the development of property is made on a case-by-case basis, based upon the requirements of this UDO.

Type of Permit or Certificate	Purpose
Land Disturbance Permit Division II	Grading, excavation or any activity precedent to development of land for any use other than agricultural use.
Building Permit Division III	Construction or expansion of any building or structure.
Conditional Use Permit Division IV	Uses not allowed by right because of their unique impact on adjoining uses of land but with specific requirements may be allowed in certain areas and which are subject to individualized consideration and public hearings.
Right-of-Way Excavation Permit Division V	Opening or excavation, or any act incident thereto, in the public right-of-way.
Sign Permit Division VI	Installation or construction of any sign regulated under the Code, except those specifically exempted.
Certificate of Occupancy Division VII	Occupation of a building.
Special Event Permit Division VIII	Occurrence of a special event at a specific time and location under specified conditions.
Floodplain Development Permit Division XI	Construction of a building, structure or any development within a floodplain zone.
Parking Lot Permit Division XII	Construction of a new parking lot or expansion of a parking lot. Not required for resurfacing of an existing parking lot.

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Section 3.030. Action on permit applications

A. Permit requirement.

A permit application shall be submitted to the County for each permit that is required by this UDO. The contents and submission requirements for each permit shall be as set forth, or referenced in this Article. Upon submission of a complete permit application, the County will consider the permit application based on the approval criteria set forth in the applicable Division of this Article, and may issue the permit if all applicable criteria are satisfied by the applicant.

B. Revocation of a permit.

1. Grounds of revocation. A permit may be revoked in writing by the County office that issued the permit, when it appears to the Director of that office that one (1) or more of the following conditions is present:

- a. there is, without approval from the Director of that office, substantial departure from the plans, specifications or conditions referred to in the permit or that were the basis for the issuance of the permit;
- b. the permit was procured by fraud, misrepresentation or a false statement;
- c. the permit was issued by mistake;
- d. activities taken pursuant to the permit violate the provisions of this UDO or any other provision of the County Code.

2. Notice. Notice of the revocation shall be mailed to the permittee's last known address on the day the permit is revoked and shall be posted in a prominent location on the property by the County office that issued the permit. The notice shall state the grounds for the revocation. Once notice of revocation has been served or posted, no further activities or use of the property authorized by the permit shall proceed.

Section 3.040. Appeals

An applicant may appeal the non-issuance of a permit, and a permit holder may appeal the revocation of a validly issued permit, pursuant to the appeal procedures specified for each type of permit below.

Section 3.050. Reserved

Section 3.060. Reserved

Division II. Land Disturbance Permit

Section 3.070. Land Disturbance Permit – when required

A land disturbance permit shall be obtained from the County prior to commencement of any land disturbance activity affecting one (1) acre or more, such as mechanized clearing or grading that removes the vegetative ground cover on any site as set forth in Article 10, Section 10.060 and the “Jefferson County Erosion and Sediment Control/Stormwater Management Design Manual”, as adopted by the governing body and incorporated herein by reference.

Section 3.080. Land Disturbance Permit – application, content and submission requirements

An application for a land disturbance permit shall be filed upon forms prescribed by the County that shall contain all information required for a land disturbance plan as set forth in Article 10.

Section 3.090. Land Disturbance Permit – consideration

The County shall consider all land disturbance permit applications. The permit may be issued if it appears that the standards set forth in Article 10 applicable to land disturbance permits have been satisfied by the applicant. The County may grant the permit with conditions.

Section 3.100. Land Disturbance Permit – appeals

In the event the Director denies an application for, or revokes, a land disturbance permit, the Director shall issue a written statement of the fact of the denial or revocation to the applicant. The applicant shall have the right to appeal a decision of the Director to the County Commission, within ten (10) business days of the denial or revocation. Upon receipt of the request, the Director shall forward the application together with his/her decision stating the reason or reasons for the action taken to the County Commission to be heard at the next available meeting of the County Commission or a special meeting called by the County Commission for the purpose of consideration of the appeal of the permit revocation.

Section 3.110. Land Disturbance Permit – exemption

A land disturbance permit shall not be required for a foundation excavation associated with a valid building permit.

Division III. Building Permit

Section 3.120. Building Permit – when required

No building, structure or activity regulated by the Building Code shall be erected, constructed, enlarged, altered, repaired, remodeled, moved, converted or demolished within the County unless a separate permit for each building or structure has first been obtained pursuant to the

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requirements contained in the Building Code and all other applicable County orders and regulations.

Section 3.130. Building Permit – application, content and submission requirements

Applications for building permits shall be filed on the form required by the Building Division. A site plan showing the front building line, side building lines and rear building line shall be required as part of the building permit application for all residential construction, including accessory structures, on lots less than 20,000 square feet in size. The proposed structures shall be staked on the lot and the site plan shall reflect the proposed structures. The site plan shall be signed and sealed by a licensed professional land surveyor or engineer. The site plan for residential accessory structures may be drawn by the applicant and shall be drawn to scale.

Section 3.140. Building Permit – consideration

Building permit applications shall be considered by the Building Official. The permit may be issued if the Building Official determines that all applicable requirements of the Building Code, and all other applicable County codes, orders and regulations have been satisfied.

Section 3.150. Building Permit – appeals

All appeals from non-issuance of a building permit application or revocation of a building permit shall be as set forth in the Building Code.

Section 3.160. Reserved

Division IV. Conditional Use Permit

See Article 9

Division V. Right-of-way Excavation Permit

Section 3.170. Right-of-way Excavation Permit – when required

No person shall perform an opening or excavation, or any act incident thereto, in the public rights-of-way or in the streets or alleys within the County without first obtaining written authorization for construction from the County Public Works Department – Highway Division. If any emergency road crossing is needed, verbal permission may be obtained by contacting the County in advance of construction, with written agreement to follow at earliest possible time.

Section 3.180. Reserved

Section 3.190. Reserved

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Division VI. Sign Permit

Section 3.200. Sign Permit – when required

- A. Requirement. In addition to any building permit that may be required by this Article, a sign permit shall be obtained from the Director prior to installation or construction of any street graphics regulated under this UDO, except with respect to street graphics specifically exempt under Subsection B of this Section.
- B. Exemptions.
 - 1. Permits shall not be required for the following activities:
 - a. Replacing or altering changeable copy on theater marquees, billboards and similar street graphics; and
 - b. Painting, repairing, cleaning or maintaining that does not involve a structural change to a street graphics.
 - 2. A sign permit will not be required for the listed exempted street graphics in Article 13 and any special event sign that is approved as part of a special event permit found in Article 11.

Section 3.210. Sign Permit – application, content and submission requirements

- A. Application for sign permit. An application for a sign permit shall be made to the Director upon a form provided by the County. The application shall be accompanied by written approval of the property owner, drawings in the form, at the level of detail and with specifications as required to comply with the requirements of Article 13 and any required fees.
- B. Master or Common Signage Plan.
 - 1. A uniform plan for street graphics shall be submitted to the Director for any multi-tenant nonresidential development, such as a shopping center, before any street graphics for the development or the development's tenants may be erected on the property.
 - 2. The uniform plan for street graphics shall govern the placement and design of all street graphics within the development as to their location, materials, size, letter style, and color.
 - 3. The uniform plan for street graphics shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all street graphics to be placed as freestanding and building signs within the development. The street graphics proposed in the uniform plan for street graphics shall comply with the requirements of Article 13 of this UDO as to number, location, and size restrictions.

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4. The requirements of the approved uniform plan for street graphics shall be filed by the owner of the development in the Planning Division of the County, prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
5. All tenants of the development, whether an owner, lessee, sub-tenant, purchaser, or other occupant, shall comply with the approved uniform plan for street graphics.

Section 3.220. Sign Permit – consideration

The sign permit application shall be considered by the Director. The permit may be issued if it appears to the Director that all requirements of Article 13 of this UDO have been satisfied. The Director may grant the permit with conditions.

A uniform plan for street graphics shall be considered by the Director. The uniform plan for street graphics may be approved by the Director upon a finding that the plan provides that street graphics of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept, while respecting the differences between tenant types and occupancies.

Section 3.230. Sign Permit – appeals

The applicant may appeal the non-issuance of a sign permit, and a permit holder may appeal the revocation of a validly issued sign permit, to the Board of Adjustment pursuant to Section 4.120.

Division VII. Certificate of Occupancy (occupancy permit)

Section 3.240. Certificate of Occupancy – when required

No new or existing building or structure, for which the Jefferson County Building Code requires an occupancy permit shall be occupied or used within the County until a certificate of occupancy (temporary and final), certifying that the building or use complies with all regulations of this UDO and other applicable provisions of the County Code, has been issued by the Building Official pursuant to the Building Code.

Section 3.250. Certificate of Occupancy – consideration

The request shall be considered by the Building Official and may be granted if found to satisfy the criteria set forth in the Building Code and other related issues as required by the Planning Division and other governmental agencies that regulate occupancy of a structure or use.

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Section 3.260. Certificate of Occupancy – appeals

All appeals for non-issuance of a certificate of occupancy request or revocation of a certificate of occupancy shall be as set forth in the Building Code.

Section 3.270. Certificate of Occupancy – records

A record of all certificates of occupancy shall be kept on file in the office of the Building Official.

Section 3.280. Certificate of Occupancy – connection with sewer system

Except where some other method of handling liquid waste has been specifically approved by the County, no certificate of occupancy shall be issued by the Building Official for any building or use until the property has been connected with a sanitary sewer/wastewater system that has been approved by the applicable state and local authority.

Section 3.290. Certificate of Occupancy – parking

Prior to issuance of a certificate of occupancy for a new building or structure or change in use of an existing building or structure, all parking requirements, as specified in Article 12 of this UDO for the new use, shall be met or otherwise approved by the Director.

Section 3.300. Reserved

Section 3.310. Reserved

Division VIII. Special Event Permits

Section 3.320. Special Event Permit – when required

A special event permit shall be required for all special events, as defined in Article 11 of this UDO, except those events not requiring a permit as set forth in Section 11.030.

Section 3.330. Special Event Permit – application, content and submission requirements

A complete application shall be submitted to the County at least ten (10) days prior to the requested start date of any special event. Any person desiring to operate any special event that, in accordance with Article 11 of this UDO, requires a special event permit shall submit a written application on the form provided by the County to the Director. The application shall set forth and contain the following information:

- A. Name and address of the applicant.
- B. Names and addresses of the owner of the premises on which the proposed event is to be held.

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- C. Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.
- D. Parcels on which the proposed event is to be held.
- E. Date of the proposed event.
- F. A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in Article 11 of this UDO have been satisfied. The narrative written description shall also state what streets, if any, are requested to be used for the special event.
- G. A site plan in the form and the level of detail as required by the Director, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.
- H. Location and number of proposed temporary public toilets, if applicable.
- I. Proposed temporary potable water supplies, if applicable.
- J. Any other information deemed necessary by the Director in order to ensure compliance with the standards set forth in Article 11 of this UDO.

Section 3.340. Special Event Permit – authorization by Director

Type 1, 2 and 3 special events (as defined in Section 11.020) may be issued a special event permit by the Director on the form provided by the County when the following conditions, as applicable as determined by the Director, have been satisfied:

- A. A complete application is made on the form provided by the County and a fee paid in accordance with Section 1.160.
- B. The application has been reviewed by the Fire District for traffic control and other safety concerns and by the Public Works Department for access considerations of a state or county street.
- C. An electrical plan, if required for the special event, is approved by the Building Official.
- D. The Director determines the following:
 - 1. The special event will comply with the special event performance standards set forth in Section 11.060;
 - 2. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;

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3. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution (see Article 2);
4. The special event shall comply with all applicable state and federal health, safety, environmental and other application requirements.

Section 3.350. Special Event Permit – authorization by Planning Division

All Type 4 events, and any other event not meeting the criteria of a Type 1, 2 or 3 special event, may be granted a special event permit by the Planning Division after review and report by the Director, and when all applicable conditions set forth in Article 11 have been satisfied.

Section 3.360. Special Event Permit – appeals

In the event the Director denies an application, the Director shall issue a written statement of the fact of the denial to the applicant. The applicant, in the event of a denial of a special event permit, and a permit holder, in the event of the revocation of a special event permit, shall have the right to appeal a decision of the Director to the Planning & Zoning Commission.

Section 3.370. Special Event Permit – standards of operation

The standards and conditions governing the operation of a special event pursuant to a special event permit shall be as enumerated in Article 11 and as specified in the permit.

Section 3.380. Special Event Permit – prohibition on transfer

No special event permit issued under the provisions of this Division shall be assignable or transferable to any other person or transferable to another location for the operation of a special event by that business or person at a different location.

Section 3.390. Reserved

Division IX. Reserved

Division X. Reserved

Division XI. Floodplain Development Permit

See “Jefferson County Flood Damage Prevention Ordinance”

Division XII. Parking Lot Permit

See Article 12