

ARTICLE XI – PERMITS/ PERMITTING

Sect. 1100 Construction Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Administrative Official. No construction permit shall be issued by the Administrator except in conformity with the provisions of this regulation, unless he or she receives a written order from the Board of Adjustment, in the form of an administrative review, conditional use, or variance as provided by this regulation.

If no construction permit has been issued and a builder begins or continues to build a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a Building Construction Permit shall establish a prima facie case for the issuance of the restraining order.

The Planning Commission shall establish a reasonable schedule of fees, charges, and expenses and a collection procedure for all matters within their administrative jurisdiction pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrator and may be altered or amended as the Planning Commission sees fit. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any action or appeal. The Planning Commission may establish a penalty fee for any application filed after work use or construction has commenced without a permit where such is required.

Sect. 1101 Exceptions For Which Construction Permits Are Not Required

- A.) Recurring maintenance regardless of cost.
- B.) Construction or alteration of agriculture structures other than dwelling units on plots no less than 5 acres. For less than five acres, permits are required.
- C.) Alterations of existing buildings having a replacement value of \$500 or less.
- D.) Construction of a service connection to a publicly owned and operated utility.
- E.) A fee is not to be charged for the construction of improvements such as grading, streets, ditch digging, cutting and filling and the like in conjunction with site improvements prior to building development.
- F.) Installation of required improvements according to an approved preliminary subdivision plat or approved planned development plat.
- G.) Agricultural, not including dwelling units.

Sect. 1102 Construction Permit Procedures

All applications shall be accompanied by a dimensional drawing of the building plat in duplicate showing the location of buildings and structures, lot area to be used, auto parking areas, and water supply and sewage disposal facilities. The County Health Officer's certificate approving proposed water and sewage facilities must accompany applications according to Article VIII, Section 800 of this Zoning Ordinance. One copy of the building plot drawing shall be returned to the applicant by the Administrator marked as approved or disapproved and attested to same by his signature on such copy. One copy similarly marked shall be retained by the Administrator. Construction permits shall be acted on within six months.

Sect. 1103 Building in Breach Zones

A.) Building in Breach Zones of Dams 12, 15, 16, 17 or 18 of the Spencer County Plum Creek Watershed Conservancy Districts:

B.) No structure, as defined in Article I, Section 102, Paragraph 17, to be occupied by a person, shall be located, extended, converted or substantially altered which is or would be within the breach zone of dams 12, 15, 16, 17, and 18, located in the Spencer County Plum Creek Watershed Conservancy District in Spencer County, Kentucky, without compliance with the following requirements and no permit shall be issued by the Administrator for any new structure unless and until the applicant agrees and complies with the following requirements:

- 1.) All structures occupied by any person, must be elevated or constructed so that the lowest floor of the structure, elevated to or above the breach flood elevation level, and,
- 2.) The foundation of a structure will withstand a breach wave if a dam failure will occur.
- 3.) The structure has been approved by the Kentucky Division of Water, dam safety and compliance division;

C.) Special flood hazard (breach zone of dams) are those areas located below the dam subject to flooding, inundation or damage as a result of a breach or failure of the dam as determined by the Kentucky Division of Water.

D.) A dam is any impounding structure that is either 25 feet in height, measured from downstream toe to the crest or has a maximum impounding capacity of 50 feet of water or more as defined by the Kentucky Division of Water.

E.) The property owner shall be required to provide the engineering analysis and design as approved by a licensed engineer for the Commonwealth of Kentucky as needed.