

Sec. 118-6. Enforcement.

(a) The city manager, with the assistance of the director of planning and such other persons as he may direct, shall administer and enforce this chapter.

(b) If the director of planning shall find that any of the sections of this chapter is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The director of planning shall order discontinuance of any illegal use of land, buildings or structures; the removal of buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action necessary to ensure compliance with this chapter or to prevent violation of its provisions.

(Code 1988, § 24-6)

Sec. 118-7. Amendment procedure.

(a) The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed in accordance with the procedures set forth in applicable state statutes.

(b) If, however, a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 500 feet therefrom or those directly opposite thereto extending 500 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of the city commission.

(c) Unless specifically permitted otherwise by the city commission, no application for rezoning, special exception or variance shall be considered within six months from the time the property described in such application has been decisively acted upon as a result of a previous similar application.

(d) At least ten days' public notice of the time and place of any public hearings in connection with appeal proceedings under this chapter before

the planning and zoning board or the city commission shall be published in a newspaper of general circulation in the city.

(e) The criteria for rezonings are as set forth in the comprehensive plan.

(f) Notices and advertisements for rezonings shall be as required pursuant to applicable state statute.

(Code 1988, §§ 24-7, 24-8; Ord. No. 13-27, § 5, 6-27-13; Ord. No. 17-21, § 3, 8-24-17)

Sec. 118-8. Schedule of fees, charges and expenses.

(a) For the purpose of this chapter, the city commission shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals, rezonings and similar matters. This schedule of fees shall be posted in the office of the building official and may be altered or amended only by the city commission. Such fees may include but shall not be limited to the costs to the city for such matters as advertising, postage and legal expenses.

(b) No permit, certificate, exception, rezoning or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the planning and zoning board unless or until preliminary charges and fees have been paid in full.

(Code 1988, § 24-9)

Sec. 118-9. Complaints regarding violations.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a complaint in regard thereto, which complaint shall be in writing and shall state fully the causes and basis thereof. The complaint shall be filed with the office of the city manager, who shall properly record such complaint and immediately investigate and take such action thereon as the circumstances warrant.

(Code 1988, § 24-10)

Sec. 118-10. Restrictions on uses.

No structure, land or water shall be used in any zoning district, except as specifically permitted by this chapter in such district or as specifically permitted by the planning and zoning board or by the city commission pursuant to the procedures and regulations set forth in this chapter.

(Code 1988, § 24-11)

Sec. 118-11. Camping.

(a) For the purposes of this section, the term camping is defined as:

- (1) Sleeping or otherwise being in a temporary out-of-doors shelter;
- (2) Cooking over an open flame or fire out-of-doors. This section does not prohibit cooking on grills or other devices professionally manufactured specifically to contain and/or control flames or other heat sources for the purpose of cooking; or
- (3) Constructing, building, starting, sparking or maintaining, the burning of a fire out-of-doors. This provision does not prohibit cooking on grills or other devices professionally manufactured specifically to contain and/or control flames or other heat sources for the purposes of cooking or heating for commercial agricultural purposes. This provision does not prohibit the controlled burning of leaves or yard waste for the purposes of property maintenance.

(b) Camping is prohibited on all private property and public property owned or controlled by the city, except as permitted in section 118-579 or except as may be specifically permitted.

(Code 1988, § 24-12; Ord. No. 99-26, § I, 2-25-99)

Sec. 118-12. Penalties for violation.

(a) Any person who shall violate any of the sections of this chapter or who shall fail to comply with any of its requirements or who shall build or

alter any building or structure contrary to intent, expressed or approved, or without obtaining the required permits and certificates or who shall use any land, building or other structure in a manner prohibited by this chapter shall, upon conviction, be punished as provided by section 1-15 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent or other person who commits, takes part in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this Code.

(c) Every violation of this chapter shall constitute an offense and shall be punishable as such, but nothing contained in this chapter shall prevent the city from taking such other action as is necessary to prevent or remedy any violation.
(Code 1988, § 24-13)

Secs. 118-13—118-40. Reserved.

ARTICLE II. ADMINISTRATION*

DIVISION 1. GENERALLY

Secs. 118-41—118-65. Reserved.

DIVISION 2. DEVELOPMENT REVIEW

Sec. 118-66. Applicability.

The procedures contained in this division shall apply for all uses permitted as specified in individual zoning district regulations, except when the special exception provisions of division 3 of this article apply.
(Code 1988, § 24-186(a))

Sec. 118-67. Application for development permit.

Under this division, the applicant shall submit an application for a development permit along

*Cross reference—Administration, ch. 2.

with two copies of a preliminary development use site plan showing all the appropriate and applicable data requested in this article and other information as required by the director of planning.

(Code 1988, § 24-186(b))

Sec. 118-68. Site plan (development plan) required.

The director of planning shall require the submission of a site plan showing the appropriate and applicable data and information set forth in this section when an applicant submits a request for a development application. The following data and information shall be shown on all site plans as appropriate and applicable to the type and nature of the project and land for which the site plan is being prepared. The site plan shall be drawn at a scale of 200 feet to one inch or larger and shall show the following:

- (1) Name of the project, if appropriate.
- (2) Names and addresses of the owner, adjacent property owners and, if appropriate, the contractor, planner, architect, engineer or surveyor.
- (3) Date, approximate north arrow and graphic scale.
- (4) Area of land within the project.
- (5) Boundary lines and dimensions.
- (6) Any existing or proposed easements and locations, widths and distances, if appropriate.
- (7) Streets on and adjacent to the project and their names and right-of-way widths.
- (8) Buildings, both existing and proposed.
- (9) Parking areas with arrangement and number of spaces.
- (10) Proposed access points to public streets.
- (11) Setback lines and separation strips.
- (12) The director of planning shall require the following when, because of the size and scale of the project, he deems it necessary:
 - a. Name of the contractor, planner, architect, engineer or surveyor.

- b. Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the city manager.
- c. Boundary lines and their bearings, lot lines and their dimensions.
- d. General land use activity areas.
- e. Utilities on or adjacent to the project showing proposed dimensions and connections to existing systems.
- f. Access roads, internal and external, and relationships to existing and proposed streets, alleys and other public ways.
- g. Permanent open spaces, recreation areas and landscape areas.
- h. Sites and their acreages, if any, to be reserved and dedicated for public parks, playgrounds, schools or other public uses.

(Code 1988, § 24-186(b)(1))

Sec. 118-69. Principal uses.

Under this division, all principal uses shall be subject to site plan review by the development review committee and the other city departments as designated by the city manager. This procedure requires submission of a development plan to the director of planning which sets forth specific land use, circulation and access, building arrangement and overall site layout. The city manager may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements. Specifically, the city is authorized to require, as a condition to granting site plan approval, provision for cross access corridors and joint use driveways pursuant to section 110-206 of this Code, regardless of whether the subject property qualifies as subdivision pursuant to section 110-1 of this Code. (Code 1988, § 24-186(b)(2); Ord. No. 07-02, § II, 1-25-07)

Sec. 118-70. Procedures.

Under this division, all uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this

chapter. Site plans less than or equal to 25,000 square feet shall require review and approval by the development review committee. Site plans greater than 25,000 square feet of land area shall also require city commission approval after development review committee review and approval. All site plans approved by the city staff or commission pursuant to this division shall expire and become null and void if the building or improvement or other matters authorized by the site plan approval have not received an approved building permit for the principal structure or building within 365 days of the date of the approval. The city engineer, if shown good cause, may extend the approval one time for a period not to exceed an additional 365 days. The extension request shall be filed with the city engineer in writing at least two weeks prior to the expiration of the initial 365-day approval period.

(Code 1988, § 24-186(b)(3); Ord. No. 07-55, § II, 10-25-07)

Sec. 118-71. Construction permit and site plan review certificate required.

Under this division, no building permit for an approved use shall be issued until the applicant presents a valid construction permit from the state and presents a certificate signed by the director of planning stating that he has complied with the site plan review procedure and that the site plan has been approved.

(Code 1988, § 24-186(b)(4))

Secs. 118-72—118-95. Reserved.

DIVISION 3. SPECIAL EXCEPTIONS

Sec. 118-96. Authority to grant.

Special exception uses may be permitted in those zoning districts where designated by this chapter, but only when specifically approved by the planning and zoning board in accordance with this chapter. All special exception uses shall be subject to this division, unless otherwise stated in this chapter.

(Code 1988, § 24-187(a))

Sec. 118-97. Use requirements.

(a) Any special exception use shall be permitted as specified in individual zoning district regulations, when such use is compatible to surrounding uses, will not create traffic hazards or parking problems, or does not deviate from the terms of this chapter. All special exceptions shall be subject to site plan review by the planning and zoning board. This procedure requires submission of a development plan which sets forth specific land use, circulation and access, building arrangement and overall site layout. The planning and zoning board may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements. Specifically, the planning and zoning board is authorized to require, as a condition of granting a special exception, provision for cross access corridors and joint use driveways pursuant to section 110-206 of this Code, regardless of whether the subject property qualifies as a subdivision pursuant to section 110-1 of this Code.

(b) All special exception uses shall be subject to the following:

- (1) *Uses.* The premises of a special exception use shall be used for only those buildings and uses and accessory buildings and

uses specifically indicated by the planning and zoning board in its approval of the special exception use.

- (2) *Compatibility.* The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.
- (3) *Standards.* Required standards and regulations for special exception uses and buildings are as follows:
 - a. All special exception uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this chapter for principal buildings and single lot development as well as the specific dimension and area regulations for lots and structures in the specific zoning district in which the special exception use is proposed, unless otherwise specifically indicated. Then the special exception use shall be subject to the indicated requirements.
 - b. Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines shall be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the planning and zoning board.
 - c. All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines shall be required when the lot has more than the minimum lot area or when deemed necessary to protect surrounding properties.
 - d. A separation strip of at least five feet shall be provided along all property lines, excluding rights-of-way. The

planning and zoning board may increase the required separation strip if deemed necessary because of the nature and intensity of the use. The separation strip shall be developed as a buffer zone in accordance with the requirements of section 118-1299.

- (4) *Site plan required.* The planning and zoning board shall require the submission of a site plan showing the appropriate and applicable data and information set forth in this subsection when an applicant submits a request for a special exception use permit application. The following data and information shall be shown on all site plans as appropriate and applicable to the type and nature of the project and land for which the site plan is being prepared. The site plan shall be drawn at a scale of 200 feet to one inch or larger and shall show the following:
 - a. Name of the project, if appropriate.
 - b. Names and addresses of the owner, adjacent property owners, and, if appropriate, the contractor, planner, architect, engineer or surveyor.
 - c. Date, approximate north arrow and graphic scale.
 - d. Area of land within the project.
 - e. Boundary lines and dimensions.
 - f. Any existing or proposed easements and locations, widths and distances, if appropriate.
 - g. Streets on and adjacent to the project and their names and right-of-way widths.
 - h. Buildings, both existing and proposed.
 - i. Parking areas with arrangement and number of spaces.
 - j. Proposed access points to public streets.
 - k. Setback lines and separation strips.
 - l. The planning and zoning board shall require the following if, because of

the size and scale of the project, such as a planned-unit-type development, the board deems it necessary:

1. Name of the contractor, planner, architect, engineer or surveyor.
2. Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the planning and zoning board.
3. Boundary lines and their bearings, lot lines and their dimensions.
4. General land use activity areas.
5. Utilities on or adjacent to the project showing proposed dimensions and connections to existing systems.
6. Access roads, internal and external, and relationships to existing and proposed streets, alleys and other public ways.
7. Permanent open spaces, recreation areas and landscape areas.
8. Sites and their acreages, if any, to be reserved and dedicated for public parks, playgrounds, schools or other public uses.

- (5) *Construction permit required.* The administrative official shall not issue a zoning permit for an approved special exception use until the applicant presents a valid construction permit from the state department of health as required.

(Code 1988, § 24-187(b); Ord. No. 07-02, § III, 1-25-07)

Sec. 118-98. Specified zoning districts.

Other special exception uses may be approved in only those zoning districts where they are designated as special exception uses under this chapter.

(Code 1988, § 24-188)

Sec. 118-99. Application for special exception use permit.

In applying for a special exception use permit, other than a planned development project, the applicant shall submit an application for a special exception use permit signed by the property owner, along with two copies of a preliminary special exception use site plan showing all of the appropriate and applicable data and information required in sections 118-96 and 118-97 to the city manager. All fees for special exception permits shall be established in chapter 88 of this Code. (Code 1988, § 24-190; Ord. No. 97-01, § I, 3-13-97; Ord. No. 98-03, § V, 2-12-98)

Sec. 118-100. Action on special exception use permit application.

Upon receipt of the special exception use permit application as provided in section 118-99, the director of planning shall fix a reasonable time for the planning and zoning board hearing of the application, giving public notice thereof, as well as due notice to the parties in interest. Any party may appear in person or by agent or by attorney at the hearing. The planning and zoning board, after receiving a written recommendation from the city manager and after holding a hearing, shall approve, disapprove, or approve subject to modifications or conditions the special exception use permit application and accompanying preliminary plat. If the planning and zoning board approves the application, it may attach any necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature to ensure that there shall be no departure from the intent of this chapter. The planning and zoning board shall especially consider the effect of the special exception use on surrounding uses in determining whether a special exception use shall be approved, modified or disapproved. If the special exception use permit and accompanying preliminary plat is approved, the planning and zoning board shall express its approval as conditional approval and shall state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefor. If an application is disapproved, reasons for such disapproval shall be stated in