

Chapter 4 PERMITS AND CERTIFICATES OF OCCUPANCY

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4.01 Land Use Permits

A. A land use permit shall be obtained from the City prior to commencement of any of the following:

1. Any clearing, grading, excavation or any activity precedent to development of open, vacant or unimproved land for any use other than agricultural use. For the purpose of this subsection, clearing, grading and excavation shall mean any changing of the grade or sub-grade of a tract of land by cutting, scraping, grading, trenching, digging, filling-in, stripping of vegetation in accordance with Chapter 24, Landscaping and Screening, or otherwise reshaping the natural contour of the ground. The following shall not be construed as clearing, grading or excavation:

- a. Any cutting, grading, trenching, digging or backfilling of any foundation of a building approved for construction.
- b. Top dressing in an area of existing residential, commercial or industrial development, which top dressing does not change the drainage patterns and had previously been permitted for development by the City.
- c. The clearing of underbrush, deadwood or weeds (grubbing) that does not affect existing trees or land contours.

2. Dredging, filling, grading or excavation of land within the floodway overlay or the floodway fringe overlay districts. For the purpose of this subsection, work

within a floodway overlay or the floodway fringe overlay district shall be in compliance with the Chapter 20, Floodplain Zoning.

3. Expansion and/or construction of a parking lot or construction of a parking lot or driveway.

B. The contents of the land use permit application shall include but not be limited to the following information:

1. Contours of existing grades at intervals not more than five (5) feet. Intervals less than five (5) feet may be required dependent on the character of the topography.

2. Elevation and location of the nearest benchmark.

3. Easement and right-of-way information including drainage easements required for off-site drainage-ways.

4. Methods of controlling erosion and sedimentation.

5. Final grading contours drawn at sufficient intervals of not more than five (5) feet to depict major drainage patterns.

6. One-hundred (100) year floodplain line with elevations.

7. Names and addresses and telephone numbers of land owners project manager and engineer or land surveyor preparing the plan.

8. Location and size of all trees with a caliper of three (3) inches or greater (measured at four and one-half [4½] feet above the ground).

C. The City Administrator may waive the requirement of a land use permit depending on the extent of the work to be completed and site area.

4.02 Building Permits

A building permit shall be obtained from the City prior to commencement of construction or expansion of any building use or structure. A necessary final plat or lot split shall be recorded with the Register of Deeds of Sedgwick County following approval by the Cheney Governing Body prior to the issuance of any such building permit.

4.03 Land Use Permits and Building Permits

A. Applications:

1. Applications for land use or building permits shall be filed upon forms prescribed by the City, setting forth the legal description of the lot, tract or parcel

of land, together with a general description of any building or structure proposed to be constructed, erected or structurally altered thereon, including the approximate height, bulk and shape, gross and net square footages, the principal materials of construction, location of the building or structure upon the lot, tract or parcel, the intended use of the land or building, and such other information as may be required by the City.

2. Applications for building permits shall be submitted to the City.

3. An application for a land use permit shall be submitted for signature approval to the City Administrator or his/her designee following review and recommendation by the City Engineer.

B. Number of permits: When construction of groups of buildings and accessory buildings for a principal building is to be simultaneous, and when all the buildings are to be constructed on land zoned for one (1) classification and use, the City may issue one (1) permit for such groups of buildings, or may require a separate permit for each building or structure to be constructed.

C. Minimum rights-of-way required:

1. When a land use or building permit is requested on a lot or tract abutting a public street, the City shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the centerline of the street to the property line of the lot or tract, shall be determined based upon the classification of the abutting street. Classification of the abutting street shall be determined by reference to the Comprehensive Plan or the Master Street Plan; if the classification is not designated on any of such documents, the City shall determine the street classification.

2. No land use permit or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of-way has been conveyed to the City by plat or deed and accepted by the Governing Body.

3. Any requirement for dedication of right-of-way pursuant to this section may be waived by the Governing Body where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.

4.04 Permits - Conformance of Construction

No permit shall be issued for any building, structure or use of land unless the same shall be in conformance in every respect with all provisions of this ordinance and any other

applicable provisions of City ordinances and plans approved by the Governing Body. No development on any tract shall begin until approval of zoning, site development plan, final plat, or applicable permit has been granted by the City, unless specifically exempted by the applicable ordinance.

4.05 Completion of Applications

The City shall determine if an application filed for any building, structure or use of land is complete. Only completed applications shall be considered for processing by the City.

4.06 Action on Permit Applications

Action on permit applications shall take place not later than thirty (30) days after the date the completed application is filed. In the event of refusal to issue a permit upon an application based upon noncompliance with the provisions of this ordinance, the applicant shall have the right to appeal within five (5) working days to the City Administrator. The appeal will be processed within five (5) days.

4.07 Revocation of Permits

A permit may be revoked by the Official issuing the permit or his/her designee pursuant to the procedure contained in Section 1.10 B Chapter 1 – General Provisions.

4.08 Certificates of Occupancy

A. No new or existing building or structure shall be occupied or no change in the character or use of land or of a building shall occur, without a valid certificate of occupancy issued by the City with a signature by the City Administrator, or his/her designee certifying that such building or use is in compliance with all regulations of this ordinance, city codes and ordinances, including structure location and foundation & pad elevations contained in the PUD documents or on the face of the final plat.

B. A Certificate of Occupancy may be withdrawn if such building or use is found in noncompliance with the regulations of this ordinance, city codes and ordinances.

Withdrawal of a Certificate of Occupancy may be appealed in writing to the City Administrator within five (5) days.