

CHAPTER 17.84 BUILDING AND CHANGE OF USE PERMITS

CHAPTER 17.84 - BUILDING AND CHANGE OF USE PERMITS

- 17.84.1 Building Permits
- 17.84.2 Change of Use Permits
- 17.84.3 Information on Site Plan
- 17.84.4 Fees
- 17.84.5 Permit Approval
- 17.84.6 Validity of Permits
- 17.84.7 Expiration
- 17.84.8 Suspension or Revocation
- 17.84.9 Certificate of Occupancy

17.84.1 Building Permits.

- A. Permit Required. No new construction, relocation, renovation, replacement, demolition, or other action that may be regulated by the provisions of this Ordinance, the City Code, and/or the City's adopted building codes shall occur without first obtaining a building permit from the City. If there is a conflict between the provisions of this Ordinance, the City Code, and/or the terms of the City's adopted building codes, the rules and regulations prescribed in the building codes shall control.

Exception: No building permit shall be required for the replacement of siding, shingles, painting, or windows with the same or substantially the same materials; any work that does not physically alter and/or change the dimensions of the building or structure; and the construction or replacement of decks equal to or smaller than two hundred (200) square feet.

- B. Application. To obtain a building permit, the applicant shall file an application with the Building Official on a form as provided. Every application shall contain the following information:
1. Legal description and/or address of the lot for which the building permit is requested.
 2. Name, address, and phone number of every owner of the lot for which the building permit is requested.
 3. The zoning district and principal land use classification(s) under which the lot is regulated at the time of the application.
 4. A description of the work to be covered by the building permit for which the application is made.
 5. A site plan in conformance with Chapter 17.84.03.

6. Be signed by the applicant, who may be required to submit evidence to indicate such authority if the lot has more than one owner.
7. Any other information concerning the lot, its current principal land use(s), or requested principal land use(s) as may be required by the Building Official.

17.84.2 Change of Use Permits.

- A. Permit Required. It shall be unlawful for any person, firm, or corporation to change the principal land use of any lot, building, or structure regulated by this Ordinance, or cause the same to be done, without first obtaining a change of use permit for the land use change from the Building Official.
- B. Application. To obtain a change of use permit, the applicant shall file an application with the Building Official on a form as provided. Every application shall contain the following information:
 1. Legal description and/or address of the lot for which the change of land use is requested.
 2. Name, address, and phone number of every owner of the lot for which the change of land use is requested.
 3. The district and principal land use classification(s) under which the lot is regulated at the time of the application.
 4. The principal land use classification(s) requested by the application.
 5. A site plan in conformance with Chapter 17.84.03.
 6. Be signed by the applicant, who may be required to submit evidence to indicate such authority if the lot has more than one owner.
 7. Any other information concerning the lot, its current principal land use(s), or requested principal land use(s) as may be required by the Building Official.

17.84.3 Information on Site Plan. Plans of sufficient clarity to indicate the location, nature, and extent of the work proposed shall be provided to the Building Official. Where applicable, all site plans required in Chapters 17.84.01 and 17.84.02 shall contain the following information:

- A. The legal description of the lot shown on the site plan.
- B. A north arrow.

- C. All existing and proposed buildings, structures, or additions thereto, with information regarding their dimensions, height, and number of stories.
- D. Distance from all building lines to the lot lines at the closest points.
- E. Dimensions of all lot lines.

Exception: The Building Official may waive the submission of plans, if he or she determines the nature of the work or change in principal land use(s) is such that reviewing plans is not necessary to obtain compliance with this Ordinance.

All plans shall not be changed, modified, or altered, and all work shall be performed in accordance with the approved plans.

17.84.4 Fees. Upon the filing of any application for a building permit or change of use permit with the Building Official, the applicant shall pay the City of North Sioux City the appropriate fee in conformance with Chapter 17.100.

17.84.5 Permit Approval. Once filed pursuant to Chapters 17.84.01 and 17.84.02, the Building Official shall determine whether the application contains all the required information. If it does not, he or she shall notify the applicant either in person or in writing and note any missing information. If it contains all the required information or has been supplemented to contain all the required information, he or she has the following options:

- A. Building Permit involving buildings or structures in the R-1 and R-2 Districts, Single-Family Attached Dwellings Containing Less Than 4 Connected Dwelling Units, and Construction or Relocation of Manufactured Homes: The Building Official may either (1) make a decision; or (2) forward the application to the Planning & Zoning Commission for review. If the application is forwarded to the Planning & Zoning Commission, a permit shall be approved only if a majority of its members determine that it meets the requirements of this Ordinance and all other relevant laws and regulations.
- B. Building Permit involving things other than those regulated by Chapter 17.84.05(A): The Building Official shall forward the application to the Planning & Zoning Commission for review. The Planning & Zoning Commission shall approve the permit only if a majority of its members determine that it meets the requirements of this Ordinance and all other relevant laws and regulations.
- C. Change of Use Permit: The Building Official shall approve and issue the permit if the proposed change of use meets the requirements of this Ordinance and all other relevant laws and regulations.

If an application determined to be incomplete by the Building Official is not fully supplemented with the requested information after six (6) months from the date the applicant was notified of such deficiencies, it shall be deemed expired. Upon expiration, any fees submitted along with the application shall be deemed forfeited to

the City and non-refundable.

- 17.84.6 Validity of Permit.** The issuance or granting of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other relevant law or regulation. A permit presuming to give authority to act contrary to law shall be invalid.
- 17.84.7 Expiration.** Every permit issued under the provisions of this Ordinance shall expire by limitation and become null and void if the building, work, or use authorized by such permit is not commenced within ninety (90) days from the date of issuance thereof. Written notice of the permit's expiration shall be provided to the permittee either by mail or hand delivery, together with a statement that further work or the use described in the permit shall not proceed unless and until a new permit has been obtained. Upon good cause shown, the permit may be extended by the Building Inspector for additional periods, not to exceed thirty (30) days in length at any one time. Any extension of a building or change of use permit shall be in writing and signed by the Building Inspector.
- 17.84.8 Suspension or Revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter whenever either: (1) the permit is issued in error; (2) on the basis of incorrect information supplied by the applicant; or (3) the construction or land use authorized by the permit is being undertaken in violation of this Ordinance.
- 17.84.9 Certificate of Occupancy.** No building, structure, or lot shall be used or occupied, and no change in the existing use of a building, structure, or lot shall be made until a final inspection has been completed. A certificate of occupancy shall only be issued if it is determined that such complete work or change of use complies with the provisions of this Ordinance, all applicable building codes adopted by the City, and all other relevant federal, state, or local laws. (See Title 15 of the CityCode).