

Sec. 38-43. Building and land use permits.

(a) **Required.** Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, or re-contouring of land of more than twenty-five (25) cubic yards, or the removing of trees in connection with such activities, shall not be undertaken, nor shall any activity or change of use be commenced until the proper permit has been issued by the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such building and land use permit or certificate of use and occupancy shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this chapter. A summary of requirements for land use permits and building permits is provided on the following chart:

Table 43-1 Land Use Permit / Building Permit Summary

| <i>Buildings and Structures Subject to Land Use Permits</i> | <i>Buildings and Structures Subject to Building Permits</i> |
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| One (1) story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred and twenty (120) square feet | Any two (2) story structure |
| Ground-mounted air conditioning units/compressors | Structures or buildings larger than one hundred and twenty (120) square feet in |
| Fences | In-ground or above-ground swimming pools with a water capacity of over twenty-four (24) inches deep |
| Gazebos | Decks |
| Hot tubs/Jacuzzis | Retaining walls over four (4) feet in height |
| Play structures | Fences over six (6) feet in height |

(b) **Exception.** Permits shall not be required for temporary structures or buildings less than one hundred and twenty (120) square feet, or for minor alterations or repairs costing five hundred dollars (\$500.00) or less which are made to existing structures, or the wrecking of buildings and structures of less than one thousand (1,000) cubic foot capacity.

(c) **Applications.** Application for a building permit or land use permit shall be made to the Zoning Administrator, signed by the person requesting the permit or the duly authorized agent of such person. For uses requiring a site plan, the Zoning Administrator shall not issue a building permit or land use permit until the provisions of Chapter 38, Division 2, Site Plans of this article, pertaining to site plan review, have been satisfied. For uses not requiring a site plan, there shall be submitted with all applications for building permit or land use permits, two (2) copies of a drawing, drawn to scale, showing the following:

- (1) Location, shape, area, and dimensions for the lot or acreage.
- (2) Location of the proposed construction, alteration or repair upon the lot or acreage affected, along with existing structures, wells, disposal systems, and setback lines.
- (3) Dimensions, height, and bulk of structures.
- (4) Nature of the proposed construction, alteration, or repair and the intended uses.
- (5) Present use being made of any existing structure affected and any proposed change in the use thereof.
- (6) Any other information deemed necessary by the Zoning Administrator to determine compliance with this chapter and to provide for the enforcement thereof.

(d) **Evidence of ownership.** All applicants for building or land use permits shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit, and shall submit the evidence upon the request of the Zoning Administrator.

(e) **Issuance.** If the Zoning Administrator finds the application conforms to the requirements of this section and other laws, codes, and ordinances pertaining to use and occupancy, he or she shall mark, over his or her signature, all copies of the application as "approved," and one (1) copy of the application shall be retained by the Zoning Administrator and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this chapter.

(f) **Voiding action.** Any building permit granted under this section shall be null and void unless the development proposed shall have its first zoning site inspection within six (6) months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Such notice shall be mailed to the permit holder at the address indicated on the permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this section whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his or her agent, or is in violation of any of the provisions of this chapter or of any other laws, codes or ordinances pertaining to use or occupancy.

(g) **Inspections.** The construction or use covered by any building permit shall be subject to the following inspections:

(1) At the time of staking out of lot corners and building foundations at all building corners.

(2) At the time a land use activity is commenced.

(3) All normal inspections required by the current building code in effect in the Township.

(4) Upon completion of the work authorized by the permit, it shall be the duty of the permit holder(s) to notify the Zoning Administrator when the construction is ready for final inspection. Failure to make proper notification of the time for inspection shall automatically cancel the land use permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted. In the case of a building permit, failure to make proper notification will require the work to cease until the required inspection can be performed (which may necessitate the removal of completed work to expose portions for inspection) before construction may proceed or occupancy be permitted.