

Sec. 19-1.11. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Substantial change means a modification substantially changes the physical dimension of an eligible support structure if it meets any one or more of the following criteria:

[...]

Substantial compliance, for purposes of subsection 19-2.3.14, means actual compliance with respect to the substance essential to every reasonable objective of the applicable approval or certificate of appropriateness as distinguished from simple technical imperfections of form.

Substantial damage means damage of any origin including fire, flood, lateral earth movement, war, or wind sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its before-damaged market value. For purposes of this chapter, any structure flooded four or more feet above its lowest finished floor shall be considered "substantially damaged."

[...]

19-2.3.14 Certificate of conformity

- (A) *Applicability.* The requirement of this section shall apply to any development in the city for which a permit has been issued pursuant to this chapter.
- (B) *Certificate of conformity required.* A certificate of conformity, indicating compliance with the requirements of approved permits and this chapter, shall be approved pursuant to this section prior to issuance of a certificate of occupancy.
- (C) *Procedure.*
 - (1) *Initial submission of application.* The procedures and requirements for submission and review of applications are established in section 19-2.2, common procedures.
 - (2) **Affidavit of substantial compliance.**
 - a. **Design Review Board. Any project required to obtain a certificate of appropriateness from the Design Review Board must submit an affidavit of compliance, certifying under penalty of perjury that the exterior of the structure(s) and all site work were constructed in substantial compliance with the official certificate of appropriateness for the project issued under the provisions of section 19-2.2, common procedures. For purposes of this sub-section, the affidavit must be submitted by the owner or the person signing the affidavit on his/her behalf.**
 - b. **Planning Commission. Any project required to obtain approval from the Planning Commission must submit an affidavit of compliance to the administrator certifying under penalty of perjury that the project was constructed in substantial compliance with the official approval conditions for the project issued under the provisions of section 19-2.2, common procedures. For purposes of this sub-section, the affidavit must be submitted by the owner or the person signing the affidavit on his/her behalf.**

- c. **Board of Zoning Appeals. Any project required to obtain approval from the Board of Zoning Appeals must submit an affidavit of compliance to the administrator certifying under penalty of perjury that the project was constructed in substantial compliance with the official approval conditions for the project issued under the provisions of section 19-2.2, common procedures. For purposes of this sub-section, the affidavit must be submitted by the owner or the person signing the affidavit on his/her behalf.**
- (3) *Action by administrator.* After the application is determined sufficient, the administrator shall review the application, **the affidavit(s) of substantial compliance,** and conduct a final inspection of the development for the purpose of verifying conformity with all applicable provisions of this chapter and all relevant terms and conditions of permits and approvals for the development. The administrator may require the preparation and submission of as-built drawings by the designer to verify compliance with the requirements of all permits and the requirements of this chapter. Upon a determination of conformity, the administrator shall approve a certificate of conformity and forward it to the applicant.
- (D) *Temporary certificate of conformity.*
- (1) *General.* At the discretion of the administrator, in cases when, because of weather conditions or other factors beyond the control of the applicant (exclusive of financial hardship), it would be unreasonable to require the applicant to comply with all the requirements of this chapter prior to the use of occupancy of a development, a temporary certificate of conformity may be issued for a period of time not to exceed six months.
- (2) *Standards.* The temporary certificate of conformity may be issued only upon a finding by the administrator that the materials submitted in the application demonstrates:
- (a) *Substantially complete.* The development is substantially complete and the site is in a safe, accessible, and useable condition.
- (b) *Sureties and guarantees.* Development sureties and guarantees have been provided to the city.
- (E) *Conditions.* In approving a certificate of conformity or a temporary certificate of conformity, the administrator may impose conditions on the permit approval pursuant to subsection 19-2.2.13, conditions of approval.
- (F) *Expiration.* A temporary certificate of conformity shall be effective beginning on the date specified in the permit approval and shall remain effective for the period indicated on the permit.
- (G) *Amendment.* A certificate of conformity or temporary certificate of conformity may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

Summary of Text Amendment:

Existing Text

New Text

ADDED PROPOSED REVISIONS:

- Changed 'General Contractor' to 'Owner'
- Added definition of "substantial compliance" within Sec. 19-1.11 *Definitions*.