

ARTICLE IV
ADMINISTRATION

Sec. 1.0. Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City. He may be provided with the assistance of such other person or persons as the City Council may direct. The building inspector, or the duly authorized representative, shall in relation to this Ordinance:

- (a) Review all building permit applications with regard to conformance with all applicable provisions of this ordinance and perform required inspections to insure such conformance.
- (b) Issue all building permits and maintain records thereof.
- (c) Issue all certificates of occupancy and maintain records thereof.
- (d) Issue and renew where applicable, all temporary use permits and maintain records thereof.
- (e) Maintain current zoning maps and records of amendments thereto.
- (f) Have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry out the enforcement of this Ordinance. If the Building Inspector shall find that any of the provisions of this ordinance are being violated, he shall proceed to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Sec. 2.0. Building Permit Required.

It shall be unlawful to obtain a building permit to commence the excavation or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not exceeding one thousand (1,000) dollars in value or painting or wallpapering) of any structure, including accessory structures, until the Building Inspector has issued written authorization that the plans, specifications, and intended use of such structure in all respects conforms with the provisions of this ordinance.

Sec. 3.0. Plot Plan.

- (a) It shall be unlawful for the Building Inspector to approve any plans or issue building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable Building Inspector to ascertain whether the proposed development is in conformance with this ordinance:
1. The actual shape, proportion and dimensions of the lot to be built upon.
 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
 3. The existing and intended use of all such buildings or other structures.
 4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this ordinance.

Sec. 4.0. Site Plan Review.

- A. New construction and substantial site development expansion of all planned residential developments, townhouses, garden homes, 5 or more multi-family dwellings, Manufactured home parks, institutional uses, commercial uses, and industrial uses shall require the approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information described below. One reproducible set of plans and five copies of each set shall be submitted for approval.
1. Cover sheet with:
 - a. Name and location of the development; name, address, and signature of the owner, name, address, and seal of the engineer.
 - b. Vicinity map.
 - c. Zoning, existing and proposed land use of the site.
 - d. Date, scale, north arrow, and number of streets.
 2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
 3. Drainage, paving, grading and excavation, erosion and sedimentation, stormwater detention, floodplain management controls.
 4. Public and private utilities, including sewage disposal system and water system.
 5. Fire lanes and hydrants.

- B. The Building Inspector shall forward copies of the plans to the City Engineer, Fire Chief, Police Chief, and other appropriate department heads for their review and written comments on the general completeness and compliance of the plans with the provisions of this ordinance. The building Inspector shall provide the applicant with all written administrative comments within two weeks of submittal.
- C. Upon satisfaction of the Building Inspector and City Engineer that all administrative concerns are properly addressed by the applicant, the corrected plans shall be forwarded to the planning commission for final site plan approval. The planning commission shall thereafter decide by resolution to approve, modify, or reject the plan as submitted.
- D. A reproducible of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector.
- E. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the site plan. Where subdivision plat approval is also required for development, site plan review shall be conducted simultaneously.
- F. An approved site plan shall become null and void if significant development does not commence within twelve (12) months of planning commission approval, and the applicant shall reimburse the City for any professional fees incurred in the review of the applicant's site plan.

Sec. 5.0. Certificate of Occupancy.

Within three (3) days after the owner or his agent has notified the Building Inspector of the City that a building or premises or part thereof is ready for occupancy or use. It shall be the duty of the Building Inspector of the City to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause. One copy of the signed certificate of occupancy, a signed statement by the owner or his agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Inspector. Appeals from the Building Inspector shall be heard by the Zoning Board of Adjustment.

Sec. 6.0. Interpretation of District Boundaries.

The Zoning Board of Adjustment shall make an interpretation of the "Clanton" Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.

- C. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

Sec. 7.0. Interpretation of Uses.

This ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Building Inspector interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeal to the Building Inspector's use interpretation may be filed with the Zoning Board of Adjustment.

Sec. 8.0. Unclassified Uses.

In the event the Building Inspector finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be followed:

1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by special exception upon approval and subject to the conditions set by the Zoning Board of Adjustment.
2. If the unclassified use would not be compatible with the intent of the existing zoning district intent, the Building Inspector shall determine the most appropriate district classification and require the property in question to be rezoned. In addition, the unclassified use shall be permitted in the new district by special exception if granted approval by the Zoning Board of Adjustment.
3. Following final action on the unclassified use, as (1) or (2) above may require, the Planning Commission shall initiate an amendment to this ordinance to list the newly permitted use into the most appropriate district(s).

Sec. 9.0. Expiration of Building Permit.

Any permit that has been issued, for which no construction work has been done above the foundation walls or other foundation support within six months from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal.

Sec. 10.0. Unlawful Structure.

Any uses of land or dwellings or construction or alteration of buildings or structures including tents or trailers, coaches or uses erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The building inspector is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the building inspector has determined a structure is not in compliance with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises until such has been adapted to conform with the provisions of this Ordinance.

Sec. 11.0. Penalties.

Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined upon conviction not less than two dollars (\$2.00) nor more than two hundred dollars (\$200.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

Sec. 12.0. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, to correct or abate violations or to prevent occupancy of such building, structure or land.

Sec. 13.0. Zoning Board of Adjustment.

13.1 Appointment.

A board of Adjustment is hereby established. Such Board shall be appointed as provided by Section 11-52-80, Code of Alabama, 1975, or as the same may be amended, and shall have all powers granted therein.

13.2 Procedure.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman, or in his absence, the acting chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

13.3 Powers and Duties.

The Board of Adjustment shall have the following powers and duties as granted in Section 13.2 above and as specified herein.

13.4 Administrative Review.

To hear and decide appeals where it is alleged that an error exists in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.

Sec. 14.0. Special Exceptions.

To hear and decide such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, certain land uses are

identified for special treatment. The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the proper integration of these uses into the City's land use pattern, a special set of standards are provided for each use. Review of these standards will tend to maintain compatibility with adjoining land uses, it is intended that the Zoning Board of adjustment will review all proposals for these special exception uses for compliance with the appropriate provisions of Article VII, supplemental Regulations before approval is granted and a building permit is issued.

14.1 Special Exception Procedures.

All uses listed as permitted by special exception shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception shall be filed with the building inspector at least 30 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:

1. Name, signature, and address of the property owner and agent of the property owner, if any.
 2. Address of the property under consideration.
 3. Zoning and land use of the property under consideration.
 4. Proposed use by special exception.
 5. A vicinity map showing the location of the property.
 6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.
 7. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Chilton County Tax Assessor.
 8. A \$25 filing fee.
- A. Public notice. At least 15 days prior to the scheduled Board of Adjustment hearing, the Building Inspector shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
1. The name of the applicant.
 2. The location of the property.
 3. The proposed use by special exception.

4. The time, date, and location of the Board hearing.

14.2 Variances.

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

A. Justification. Variances to the terms of this chapter may be granted individual cases upon a finding by the Board of Adjustment that the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this chapter subject to a variance will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:

1. The Board should make proper adjustment to prevent unnecessary hardship, even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
2. Variances should be permitted only under peculiar and exceptional circumstances.
3. Hardship alone is not sufficient; Alabama statutes require unnecessary hardship.
4. Mere financial loss of a kind which might be common to all of the property owners in a district is not an unnecessary hardship.
5. Variances should be granted sparingly, and spirit of this chapter in harmony with the spirit of State law should be carefully preserved, to the end that the structure of this section would not disintegrate and fall apart by constant erosion at the hands of the Board.
6. When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.

B. Application. An application for a variance shall be filed with the Building Inspector at least 30 days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:

1. Name, signature, and address of the property owner and agent of the property owner, if any.

2. Address of the property under consideration.
 3. Zoning and land use of the property under consideration.
 4. Nature of the variance with reference to applicable zoning provisions.
 5. Justification for the variance in accordance with all of the criteria in (a) above.
 6. A vicinity map showing the location of the property.
 7. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.
 8. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Chilton County Tax Assessor.
 9. A \$25 filing fee.
- C. Public notice. At least 15 days prior to the scheduled Board of Adjustment hearing, the Building Inspector shall give written notice of the variance to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
1. The name of the applicant.
 2. The location of the property.
 3. The nature of the variance and the applicable zoning provisions.
 4. The time, date, and location of the Board hearing.

14.3 Action on Appeals.

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this ordinance.

14.4 Appeals-How Taken.

Appeals to the Board of Adjustment may be taken by any persons aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty days of such lesser period as may be provided by the rules of the Board, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting then which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

14.5 Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown.

14.6 Appeals From Action of the Board.

Any party aggrieved by any final judgement of the Board of Adjustment, may appeal therefrom to the circuit court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, or as same may be amended.

Sec. 15.0. Amendments.

15.1 Procedure.

The regulations and the number, area and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the City Council of the City of Clanton, but no amendment shall become effective unless it is first submitted to the Clanton Planning Commission. At its own initiative, this body may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or to the Zoning Map of Clanton, and report its recommendations to the City Council of Clanton.

15.2 Authority to Amend.

Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the City Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78.

15.3 Authorized Petitioners.

A Petition for amendment of this Ordinance or the Zoning district boundaries may be initiated by the City Council, the Planning Commission, or the owner or agent of such property subject to amendment of zoning district boundaries.

15.4 Petition for Amendment.

- A. A petition for amendment when initiated by the property owner or authorized agent of such owner shall meet the application requirements of this section.**
- B. The application for rezoning shall be made on a form available from the building inspector and be filed with the building inspector at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials.**
 - 1. Name, signature, and address of the property owner and agent of the property owner, if any.**
 - 2. Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.**
 - 3. Present and proposed zoning and land use of the property under consideration.**
 - 4. Reason for the rezoning request.**
 - 5. Availability of required utilities and methods of storm water drainage and traffic control.**
 - 6. A vicinity map, drawn to scale, showing the size and location of the property.**
 - 7. A drawing of the property sought to be subject to amendment, which said drawing bears a reasonable resemblance to the property in question, showing the property boundaries and public rights-of-ways; and/or any other requirements determined as necessary for review by the Planning Commission.**
 - 8. Public hearing notices on a form made available by the building inspector and stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owners (including those directly across a public right-of-way) as shown in the most recent records of the Chilton County Tax Assessor.**
 - 9. A \$350.00 filing fee.**

10. An applicant hereunder shall file with the Building Inspector, no later than the thirty prior days required hereinabove, sufficient copies for: (A) the Building Inspector, (B) all members of the Planning Commission, and (C) all other involved parties according to the terms and provisions of this ordinance.

C. In the event that any applicant hereunder should file application solely to change the classification of an existing structure, the Planning Commission shall have the authority to waive any of the application requirements contained herein which it deems, within its discretion, appropriate.

*** When a petition for a zoning change is initiated by the City, rather than by a property owner or his authorized agent, those items and procedures outlined under subsection 15.4 (B) 1-8 must also be followed although item 9 shall not apply.**

Sec. 16.0. Planning Commission Action.

16.1 Notification Requirements.

- A. Following compliance with the applicable provisions of subsection 15.4, the building inspector shall give written notice of a public hearing on the proposed amendment to all adjacent property owners. This notice shall be given at least fifteen (15) days prior to the scheduled public hearing date and such notice shall be deemed given when deposited in the United States mail, first class prepared, addressed to such property owners at their addresses as submitted with the rezoning application. This notice shall include:
1. The name of the petitioner. (including the City when such petition is initiated by the City)
 2. The location of the property.
 3. The current and proposed zoning and land use of the subject property.
 4. The time, date and location of the Planning Commission public hearing at which the zoning change (amendment) is to be considered.
- B. The applicant for a rezoning shall be responsible for posting property with signs made available by the Building Inspector. Each placard shall note the proposed district change and the time and place of the Planning Commission hearing. Property shall be posted at least 15 days in advance of the public hearing before the Planning Commission and remain posted until the public hearing is completed. The applicant shall place the signs at reasonable intervals along the public street abutting the property.
- C. In addition, the Planning Commission must give Public Notice of the Planning Commission public hearing, giving the time, place and purpose of such hearing. Such notice must be given at least six (6) days prior to such hearing and such notice may be given by publication once in a newspaper of general publication in the municipality or by posting in four (4) conspicuous places in the municipality. After holding the public hearing, the Planning Commission shall draft its final report to the City Council. Such report shall contain the planning commission's recommendation for approval or denial of the proposed zoning amendment and shall contain the reasons for such decision. This report should be submitted in writing to the City Council.

Sec. 17.0 City Council Action.

17.1 Notification and Adoption Requirements.

- A. At least 15 days in advance of the public hearing before the City Council, the Council shall publish the proposed zoning ordinance amendment in full for one insertion in a newspaper of general circulation published with the City together with a notice stating the time and place that the ordinance is to be considered by the City.

Council, and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the amendment. The building inspector shall again give written notice to all adjacent property owners in the manner specified in subsection 16.1-A. One week after the first insertion, the City Council must publish a synopsis of the proposed amendment. The synopsis must refer to the date and name of the newspaper in which the proposed zoning amendment was first published. Both insertions must be published at least fifteen (15) days in advance of the passage of the ordinance. If there is no newspaper, then the governing body must cause the ordinance and the notice to be posted in four conspicuous places within the municipality. Until these publication requirements are met, no adoption of a zoning ordinance or an amendment thereto will be valid.

After such a hearing, the governing body may adopt the ordinance as reported by the planning commission or in such amended form as it deems best. However, if the governing body makes substantial changes in the ordinance as first advertised, the governing body should hold another public hearing after giving notice as described above.

After the ordinance is adopted by the governing body, it must again be published in the same manner as all municipal ordinances subject to the provisions of Section 11-45-8 of the Code.

17.2 Limitations on Rezoning Amendments.

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of one year has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require a one year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.