

## ARTICLE 13. ADMINISTRATION, ENFORCEMENT AND PENALTIES

### 13.01 ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

- 13.01.01** The duty of the Zoning Administrator to administer and enforce the provisions of these *Zoning Ordinances* is hereby conferred upon the City Planner and their designee. This includes receiving applications, inspecting sites, and issuing Land Use Certificates for projects, uses and structures which are in conformance with the provisions of these *Zoning Ordinances*.
- 13.01.02** The City Planner shall keep records of all permits and certificates issued and maps, plats and other documents with notations of all special conditions involved. They shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of their office and shall be made as a public record.
- 13.01.03** Where the exact location of a boundary cannot be determined, the City Planner shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.
- 13.01.04** In any case where a requested use is not specifically provided, the City Planner shall determine the appropriate zoning classification by reference to the most clearly analogous use or uses that are specifically provided.

### 13.02 LAND USE CERTIFICATES

#### 13.02.01 Authorization

A Land Use Certificate shall be obtained from the Planning & Development Services Department prior to the commencement of development and issuance of a building permit including electrical, HVAC and plumbing permits. A Land Use Certificate shall be required for all new construction, including accessory structures; a change of occupancy; and renovations/alterations, except for minor changes or repairs not regulated by these Ordinances.

#### 13.02.02 Application Procedure

- a. The City Planner shall receive the application for a Land Use Certificate upon jurisdictional determination and determination that it complies with all submission requirements.
- b. Where appropriate, the City Planner shall circulate the application to the Building Official, Fire Inspector, Code Enforcement Officer or others as deemed necessary, for review and comment.
- c. The Land Use Certificate shall be issued or denied within fifteen (15) business days after receipt of a complete application, otherwise it shall be deemed to be approved.

#### 13.02.03 Application Submittal

- a. Application Form. The Land Use Certificate shall be on a form provided by the City Planner.
- b. Plans and Specifications. Each application for a Land Use Certificate shall be accompanied by an accurate Site Plan drawn to scale showing at a minimum: the actual shape, dimensions and size of the lot to be built upon; the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing structures; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may be reasonably requested to determine compliance with these *Zoning Ordinances* including but not limited to a Landscaping Plan, Erosion Control Plan, Stormwater Management Plan and Utilities Plan.
- c. Application Fee. The applicant for a Land Use Certificate shall be required to pay an application fee according to the current schedule of fees established by the City Council of Bay Minette. This fee shall be nonrefundable irrespective of the final outcome of the application.

#### 13.02.04 Conditions and restrictions on approval.

A Land Use Certificate shall be valid for the issuance of a Building Permit for 180 days after issuance. After that time, a new Land Use Certificate shall be obtained. A record of the application and Site Plan shall be kept in the files of the City Planner for a period of not less than three (3) years.

#### 13.02.05 Revocation of a Land Use Certificate

The City Planner may revoke a Land Use Certificate issued in a case where there has been a false statement or

misrepresentation in the application or on the Site Plan for which the Certificate was issued or, if after a documented warning has been issued, the applicant has failed to comply with the requirements of these *Zoning Ordinances*. Revocation of the Land Use Certificate shall also cause suspension of the Building Permit until such time as in the judgement of the City Planner, the applicant is in compliance with the requirements of these *Zoning Ordinances*.

#### **13.02.06 Right of Appeal**

The applicant may appeal the denial of the land use certificate to the Board of Adjustment in writing within twenty (20) calendar days after the rejection of the application.

### **13.03 BUILDING PERMIT REQUIRED**

**13.03.01** It shall be unlawful to commence the excavation for 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 \$500.00 in cost, or painting or wallpapering) of any structure, including accessory structures, until the City Planner and Building Official of the City has issued for such work a Land Use Certificate and Building Permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a Land Use Certificate and Building Permit shall be made to the City Planner and Building Official on forms provided for that purpose.

**13.03.02** Any Building Permit issued shall become invalid unless the work authorized by it shall have been commenced within one (1) year of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

### **13.04 APPROVAL OF PLANS AND ISSUANCE OF PERMIT**

**13.04.01** It shall be unlawful for the City Planner or Building Official to approve any plans or issue a building permit for any excavation or construction until they have inspected such plans in detail and found them in conformity with this Ordinance. To this end, the City Planner or Building Official shall require that every application for a Building Permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- a. The actual shape, proportions and dimensions of the lot to be built upon.
- b. 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 existing on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. 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 whether the provisions of this Ordinance are being met.

**13.04.02** If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this Ordinance, the City Building Official shall issue a Building Permit accordingly. If an application for a Building Permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a Building Permit shall in no case be construed as waiving any provision of this Ordinance.

### **13.05 PENALTIES**

Any person in violation of any provision of this Ordinance shall be fined upon conviction not less than two dollars (\$2.00) or more than five hundred dollars (\$500.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

### **13.06 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 City Building Official or any other appropriate

authority or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.