

ARTICLE 15. AMENDMENT

15.01 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area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The City Planning Commission, upon its own initiative, shall 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 and report its recommendation to the municipal governing body. The provisions of *Title 11, Chapter 52, Article 4, Sections 77 and 78, Code of Alabama, 1975*, as the same may be amended, shall apply to all changes and amendments.

15.02 PROCEDURE FOR REQUESTING A ZONING AMENDMENT

Any request for rezoning shall be treated in accordance with the following procedures:

- 15.02.01** An application must be submitted in writing to the zoning enforcement office at thirty (30) days prior to the regularly scheduled meeting of the Bay Minette Planning Commission and a site plan of the proposed use included in any petition for a zoning amendment. The use shown on the site plan shall be binding to the application for rezoning. Any deviation from the use shown on the Site Plan shall require approval by the Planning Commission and City Council. Such Site Plan shall include the existing land use on adjacent and surrounding properties. Payment of all necessary fees is due at this time. *(See Section 15.06 for fee schedule)*
- 15.02.02** The application shall be reviewed by the Planning Commission at its next regular meeting. The Planning Commission shall take action and forward an advisory recommendation to the City Council.
- 15.02.03** Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said notice stating the date, time and location of the public hearing shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. The applicant shall furnish the City the names and mailing addresses of all persons owning property within 100 feet of any specific property that is the subject of the application. Names and addresses shall be from the latest records of the Baldwin County Revenue Office and accuracy of the list shall be the applicant's responsibility. Where land within 100 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City. Said notices shall be mailed at least fifteen (15) days prior to the public hearing. Due notice shall also be posted on the property which is the subject of the application and given to the parties in interest of the date, time and place of said hearing.
- 15.02.04** Said public hearing shall be held at the earliest possible time to consider the proposed zoning amendment, and the Council shall take action on said proposed zoning amendment within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation. In such case, the Council shall not make any change in or departure from the text or maps, as recommended for approval and certified by the Planning Commission, unless such change or departure be first resubmitted to the Commission for an additional review and recommendation.
- 15.02.05 Criteria**
The application shall be reviewed based on the following criteria:
- a. Compliance with the Comprehensive Plan;
 - b. Compliance with the standards, goals, and intent of this Ordinance;
 - c. The character of the surrounding property, including any pending development activity;
 - d. Adequacy of public infrastructure to support the proposed development;

- e. Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- f. Compliance with other laws and regulations of the City;
- g. Compliance with other applicable laws and regulations of other jurisdictions;
- h. Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
- i. Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

15.02.06 Limitation on Resubmittal

No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior to the public hearing being opened by the City Council. A request to withdraw an application shall be made in writing.

15.03 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS

All permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

15.04 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any unzoned land annexed to the City of Bay Minette hereafter shall automatically be classified R-1, Low Density Single Family District; except that, the City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one (1) or more existing or proposed new zoning classifications.

15.05 PENALTIES AND REMEDIES

15.05.01 Penalties

Any person violating any provision of this Ordinance shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

15.05.02 Remedies

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure or land is or is proposed to be used in violation of this Ordinance, the Building Official, Legal Officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed as separate offense and shall be subject to the fines and penalties specified.

15.06 FEES

Fees for applications to the Planning Commission and Board of Adjustment are in accordance with the current schedule of fees established by the City Council of Bay Minette. These fees shall be nonrefundable irrespective of the final outcome of the application.