

ARTICLE XII. ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 120.00 ENFORCING OFFICER. The provision of this ordinance shall be administered and enforced by the Zoning Officer of the Town. This official or their designated representative shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

Section 121.00 BUILDING PERMIT REQUIRED. It shall be unlawful to commence excavation for any purpose in all but the AP District, or for 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, or alteration (except repairs, painting or wall papering and work not changing the character of the structure and not exceeding \$500.00 in cost) of any structure, including accessory structures, signs and advertising structures, until the Zoning Officer has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this ordinance. A request for a building permit required under this ordinance shall be made to the Zoning Officer through a Development Application and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the ordinance. The Town Council may from time to time set fees it finds appropriate to various types of permits.

Section 122.00 CONDITIONAL USES.

122.01. PURPOSE. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as Conditional Uses in these regulations in order to determine the appropriateness of a particular Conditional Use in a given location.

122.02. AUTHORIZATION. The Town Council may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the Council reserves full authority to deny any request for a conditional use or to impose conditions on the use.

122.02.01. Exemptions. The following uses shall be exempt from a public hearing and may be administered by the Zoning Officer, upon receipt of a completed application and review of all required supplements:

- No new buildings or substantial structural improvements are involved;
- The proposed use would make use of existing building without substantial remodeling; and
- Temporary Fairgrounds, including Carnivals and Circuses.

122.03. PROCEDURES.

122.03.01. The Zoning Officer shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

122.03.02. The Zoning Officer shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.

122.03.03. The Planning Commission shall consider the application and submit a recommendation for approval, denial, or conditional approval to the Town Council.

122.03.04. Upon receipt of a Planning Commission decision, the Town Council shall hold a public hearing in accordance with the posting requirements described in §122.03.03 and render a decision at the conclusion of the hearing unless it is determined that action must be deferred to allow for additional input and review.

122.04. SUBMISSION REQUIREMENTS. No request for conditional use approval shall be considered complete until all of the following has been submitted to the Zoning Officer:

122.04.01. Application form. A development application shall be submitted to the Zoning Officer and shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

122.04.02. Plans and specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Zoning Officer may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Zoning Officer at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.

122.04.03. Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

122.05. STANDARDS FOR APPROVAL. A conditional use may be approved by the Town Council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

122.05.01. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of the Town;

122.05.02. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;

122.05.03. The proposed use shall not unduly decrease the value of neighboring property; and

122.05.04. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

122.06. CONDITIONS AND RESTRICTIONS ON APPROVAL. In approving a conditional use, the Town Council may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Town Council may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Council may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Council shall constitute a violation of these regulations. Those conditional uses which the Council approves subject to conditions, shall have specified by the Council the time allotted to satisfy such conditions.

Section 123.00 PLANS. It shall be unlawful for the Zoning Officer to approve any plans or issue any building permit for excavation of construction until he has inspected such plans in detail and found same to be in conformity with this ordinance. To this end, the Zoning Officer shall require that every application for a building permit be accompanied by a plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Zoning Officer to ascertain whether the proposed development is in conformance with the provisions of this ordinance:

- a. The actual shape, proportion, and dimensions of the parcel or lot to be built upon
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and or any buildings or other structures already on the lot, and all other information concerning the lot and its surroundings as may be required for ascertaining whether the provisions of this ordinance are and will be observed.
- c. The existing and intended use of all buildings and other structures.

Section 124.00 SITE PLAN REVIEW. New construction and substantial site development expansion of all multiplexes, patio homes, planned unit developments, townhouses, apartments, manufactured home and manufactured home parks and subdivisions, institutional uses, commercial uses, and industrial uses shall require submission and approval of a site plan prepared by an architect, landscape architect or professional engineer licensed in the State of Alabama.

Section 124.01. SITE PLAN REQUIREMENTS. Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

- Site plan name.
- North arrow, scale and date prepared.
- Legal description.
- Location map.
- Zoning district(s) assigned to the property, which is the subject of the site plan and adjacent properties.
- Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
- Gross and net site area expressed in square feet and acres.
- Number of dwelling units proposed, if any.
- Floor area devoted to each category of use.
- Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
- Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
- Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
- Location of all public and private easements and streets within and adjacent to the site.
- The location, gross floor area and height of all existing and proposed buildings and structures on the site.
- Location of all refuse collection facilities, including screening and access thereto.
- Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
- Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.

- Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
- The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
- The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
- Phase lines, if development is to be constructed in phases.
- Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

Section 124.02. APPLICATION FEE. The applicant shall be required to pay an application fee according to the current schedule of fees established by the County Commission for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

Section 124.03. SITE PLAN REVIEW AND APPROVAL. The Zoning Officer shall review the site plans for general completeness and compliance with this ordinance and shall forward copies of the plans to the Town Engineer, Fire Chief, and Police Chief for their review and comment. The Zoning Officer shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Zoning Officer. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence with twelve months of approval.

Section 125.00 CERTIFICATE OF OCCUPANCY REQUIRED. A Certificate of Occupancy shall be secured by the owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this ordinance. Within three days after the owner or owner's agent has notified the Zoning Officer that a building or premises or part thereof is ready for occupancy or use, the Zoning Officer shall make a final inspection thereof, and 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, state such refusal in writing with the cause. Appeals from the decision of the Zoning Officer shall be heard by the Board of Adjustment.

Section 126.00 PENALTIES. Any person violating any provision of this ordinance shall be fined upon conviction not less than \$100.00 plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of a fine shall not constitute an exemption from compliance with the provisions of this ordinance.

Section 127.00 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 Zoning Officer of the Town of Westover any other appropriate authority or any adjacent or neighboring property owner within 500 feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

- a. Institute an injunction or mandamus, or
- b. Take other appropriate action or proceedings to stay or prevent occupancy of such building, structure, or land.