Article II: Procedures

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A. Review Bodies

1. City Council

The City Council shall exercise all final legislative authority over zoning matters as provided in this ordinance.

2. Planning Commission

a. *Establishment and Authority:* The Planning Commission of the City of Fairhope is established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended, and Article 17 of the City Code. The Planning Commission shall exercise the authority granted by the Code of Alabama, the City Code, and the Zoning Ordinance.

b. *Memberships:*
(1) The commission shall consist of nine members having the following qualifications:
- A member of the city council, to be selected by it;
- The mayor;
- An administrative official of the city, appointed by the mayor;
- Six members, appointed by the mayor, who shall reside in or have as their principal place of employment, the City of Fairhope, Alabama or its planning jurisdiction who hold no other public office in the City of Fairhope; and
- This subsection is intended to comply with the terms of Chapter 52 of Title 11 of the Code of Alabama (1975), as amended, with respect to the members of the Planning Commission. To the extent those terms are altered, amended, replaced or otherwise changed, this subsection shall be construed so as to apply with such altered, amended, replaced or changed terms.

(2) The mayor, the city councilperson, and the city administrative official shall be ex-officio members of the commission having full privilege of participation in the business of the commission, including voting privileges. Their terms shall correspond to their respective official tenures except that the terms of the administrative official selected by mayor shall terminate with the term of the selecting mayor.
(3) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. All members shall be provided with relevant information outlining conflict of interest laws.
(4) The Director of Planning and Zoning shall serve in an advisory capacity to the commission and shall attend all meetings, unless excused by the commission, but shall not vote.
(5) The terms of the six members citizen employees shall be in accordance with the applicable law; provided; however, that nothing in this zoning ordinance shall be construed so as to shorten the term of any current citizen appointee.
(6) The vacancy on the commission shall be filled for the un-expired term by the mayor in the case of members appointed by the mayor or by the council in the case of a member selected by the council. Members appointed by the mayor may be removed by the mayor and the member appointed by the council may be removed by the council for inefficiency, neglect of duty or malfeasance in office after a public hearing held pursuant to written charges.

c. *Rules of Procedure*: The Planning Commission shall establish bylaws under which to operate as provided by law.

d. *Duties and Powers Under Zoning Ordinance:* The Planning Commission shall have the following powers and duties under the Zoning Ordinance:
(1) To review and make recommendations on zoning amendments for compliance with the Comprehensive Plan.
(2) To review and approve site plans consistent with the standards in this ordinance and the existing zoning for the property.
(3) To propose zoning amendments to the City Council;
(4) To advise the City Council on implementation of the Comprehensive Plan, and;
(5) Other duties as authorized by the Code of Alabama (1975), as amended, and the City Code.

3. Director of Planning and Zoning

The Director of Planning and Zoning shall be the municipal zoning officer, or the zoning officer's representative whose duties shall be as follows:

a. The Director of Planning and Zoning is authorized and empowered on behalf and in the name of the council to administer and enforce the provisions of this ordinance including:
(1) Receive applications;
(2) Inspect premises, and issue certificates of zoning compliance, and certificates of occupancy for uses and structures which are in conformance with the provisions of this ordinance;
(3) Interpret the meaning of the ordinance in the course of enforcement;
(4) Propose zoning amendments as provided in this ordinance; and,

(5) Advise the Planning Commission and City Council on implementation of the Comprehensive Plan.

b. The Director of Planning and Zoning shall keep records of certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. Director shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be public record.

4. Board of Adjustment

a. *Establishment and Authority:* The Board of Adjustment of the City of Fairhope, Alabama is hereby established according to the Code of Alabama (1975), as amended.

b. *Membership:*
(1) The Board shall consist of five members, appointed by the City Council of the City of Fairhope, Alabama for overlapping terms of three years.
(2) The initial appointment of the Board shall be as follows: two members for one year; two members for two years; and one member for three years.
(3) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the council upon written charges and after public hearing.
(4) No member shall hold any other public office or position.
(5) Every member shall reside in the city limits of the City of Fairhope, Alabama.

c. *Rules of Procedure:* The Board shall observe the following procedures:
(1) The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.
(2) The Board shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected.
(3) The Board shall appoint a secretary.
(4) The meetings of the Board shall be held at the call of the chairman and at other times as the Board may determine. The chairman, or in the chairman's absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
(5) All meetings of the Board shall be open to the public.
(6) The Board shall keep minutes of its proceedings, showing the voice vote of each member upon each question, or indicating absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk and shall be a public record.

d. *Duties and Powers:* The Board shall have the following duties and powers:
(1) *Administrative Review* - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Planning and Zoning, or other administrative official, in the enforcement of this ordinance.
(2) *Special Exceptions* - To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

(3) *Variances* - To authorize upon appeal in specific cases variance from the terms of this ordinance not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Prior to granting a Variance, the Board shall find that:
   (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
   (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
   (c) Such conditions are peculiar to the particular piece of property involved; and,
   (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

(4) *Uses Not Provided For:* Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Director of Planning and Zoning for use, the Director shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

B. Applications

All applications submitted under this ordinance shall be made on forms provided by the Planning and Zoning Department. All applications shall be made according to the published Planning Commission schedule. In addition to the minimum information specified on the application forms, applicants may be asked, in the Director's, Planning Commission's, or City Council's discretion, to submit additional information, data, or reports, as is reasonably necessary for the review bodies to make an informed decision on compliance of the application with this ordinance.

C. Review Procedures

Table 2-1: Procedures

Application Type / Review Body	Map Amendment (Rezoning)*	Zoning Text Amendment	Site Plan Approval	Administrative Appeal	Special Exception	Variance	Building Permit	Certificate of Occupancy/Zoning Compliance
Director of Planning and Zoning	A RR	A RR	A RR	A RR	A RR	A RR	A/RR D	A/RR D
Planning Commission	H RR	H RR	RR					
City Council	H D	H D	D					
Board of Adjustment				H D	H D	H D		

A = Determination of complete application subject to Section II.B.
RR = Review and/or recommendation
H = Public hearing subject to notice and procedure requirements of this Article.
D = Final Decision

1. Zoning Amendments

a. *Initiation:*

(1) Zoning Text Amendment - An amendment to the text of the zoning ordinance shall only be initiated by the Director of Planning and Zoning, members of the Planning Commission, or members of the City Council. Other individuals requesting an amendment to the text of the zoning ordinance must get one of these authorized individuals to sponsor the proposed amendment.

(2) Zoning Map Amendment – A zoning map amendment to rezone property may be initiated by a majority of the City Council, a majority of the Planning Commission, or the property owner.

b. *Application:* An application for a zoning amendment shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form. The Director of Planning and Zoning shall determine if the application is complete. If the application is not complete, the Director of Planning and Zoning shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

c. *Notice:*

(1) Notice of Planning Commission Hearing

(a) Published Notice - Notice shall be published once, at least 15 days prior to the hearing, in a newspaper of general circulation. The notice shall include the following:

(i) A provision that the application will be considered by the Planning Commission;

(ii) A copy of the proposed amendment or application is available at City Hall;

(iii) The time and place that the application will be considered by the Planning Commission;

(iv) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;

(v) In the case of a zoning map amendment, a general description of any property, including any common name by which the property is known.

(b) Mailed Notice -The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of any specific property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.

(c) Posted Notice - The Planning and Zoning Department shall post on the property being considered for a zoning change a sign that gives public notice. This sign shall be posted adjacent to a publicly dedicated street. The sign shall be posted no later than 15 days before the Planning Commission meetings and shall remain posted until after final action by the City Council. The Planning and Zoning Department shall remove the sign from the property and return it to the City within two (2) days of final action by the City Council. Failure to post this sign may result in nullification of the zoning change decision and application.

(d) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.

(2) Notice of City Council Hearing - Prior to the City Council hearing, two notices shall occur in a newspaper of general circulation in the City, or where no such paper exists, in four conspicuous places in the City. Each notice shall be at least 15 days prior to the date when the City Council will consider the application.

(a) Initial Publication – The initial publication shall be according to the following:

(i) The text of the proposed amendment in full or the application;

(ii) The time and place that the application will be considered by the City Council;

(iii) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.

(b) Second Publication – The second publication shall be according to the following:

(i) A synopsis of the proposed application;

(ii) The date and name of the newspaper or locations of the first publication;

(iii) The time and place that the application will be considered by the review body;

(iv) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.

(3) Compliance with Law– the foregoing requirements are intended to comply with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this Section C.1.c. shall be construed so as to comply with such altered, amended or modified law.

d. *Review* –The proposed amendment shall be reviewed according to the following:
   (1) A complete application shall be reviewed by the Director of Planning and Zoning.
   (2) The application shall be submitted to the Planning Commission at the next available meeting. The Planning Commission shall consider the application and take one of the following actions:
      (a) Recommend approval of the application to the City Council;
      (b) Recommend approval of the application to the City Council, conditioned on specific revisions;
      (c) Recommend denial of the application to the City Council; or
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall pass it along to the City Council for action. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances.

   (3) The application shall be submitted to the City Council, only with the recommendation of the Planning Commission. The City Council shall consider the application at a public hearing and take one of the following actions:
      (a) Approve the application;
      (b) Approve the application, conditioned on specific revisions;
      (c) Deny the application;
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the City Council shall take one of the above actions. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances; or
      (e) Remand the proposed amendment to the Director of Planning and Zoning or to the Planning Commission for further study and discussion. An application may be remanded only once without the applicant's consent before the City Council shall take one of the above actions. An applicant may agree to more remands.

e. *Criteria* - The application shall be reviewed based on the following criteria:
   (1) Compliance with the Comprehensive Plan;
   (2) Compliance with the standards, goals, and intent of this ordinance;
   (3) The character of the surrounding property, including any pending development activity;
   (4) Adequacy of public infrastructure to support the proposed development;
   (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
   (6) Compliance with other laws and regulations of the City;
   (7) Compliance with other applicable laws and regulations of other jurisdictions;

(8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
(9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

f. *Limitation on Re-submittal* – 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 Planning Commission. A request to withdraw an application shall be made to the Director in writing.

g. *Nullification for Misrepresentation* - Any rezoning decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of four (4) members of the City Council. It shall not require the notice and hearing necessary for a formal zoning amendment because the initial Council action will be determined null and void due to the material misrepresentation.

2. Site Plan Application, Review, and Approval Procedures

a. *Projects Requiring Site Plan Application, Review, and Approval* – Notwithstanding anything in the Code of Ordinances to the contrary, in the following circumstances a site plan application must be submitted to the Director of Planning and Zoning and will be subject to the procedures and requirements provided in Section C.2.b through g, below:
(1) Projects located in the CBD overlay or in a business-zoning district (other than M-1 and M-2), where such project will contain any commercial building that has either (i) a gross floor area of 10,000 square feet or greater; or, (ii) aggregate impervious area of more than 30% of the lot (excluding the building); and
(2) Projects located in any zoning district where such project will contain any Mixed-Use Building, Convalescent or Nursing Home, Automobile Service Station, Automobile Repair, Recreational Vehicle Park, Hotel, Motel, or Entertainment Venue.

b. *Application* - An application for site plan review shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form. Preliminary review with the Director and the Planning Commission, prior to a formal application is encouraged. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application. The application shall be submitted with drawings showing the location of the site and all existing and proposed buildings with sufficient information to evaluate impacts on adjacent properties. Sheet size shall be large enough to document all physical features and shall be suitable for public record. The application does not require public notice nor public hearing.

c. *Review* - Site plan review shall occur according to the following:
(1) A complete application shall be reviewed by the Director of Planning and Zoning.

(2) Applications shall be submitted according to the published Planning Commission schedule. The Planning Commission shall consider the application and take one of the following actions:
   (a) Approve the site plan;
   (b) Approve the site plan, conditioned on specific revisions;
   (c) Deny the site plan; or
   (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall take one of the above actions. An applicant may agree to more continuances.

(3) The City Council shall consider the site plan only after review and recommendation from the Planning Commission. The City Council shall have the final authority on site plan approval.

d. *Criteria* - The application shall be reviewed based on the following criteria:
   (1) Compliance with the Comprehensive Plan;
   (2) Compliance with any other approved planning documents;
   (3) Compliance with the standards, goals, and intent of this ordinance and applicable zoning districts;
   (4) Compliance with other laws and regulations of the City;
   (5) Compliance with other applicable laws and regulations of other jurisdictions;
   (6) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
   (7) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values;
   (8) Overall benefit to the community;
   (9) Compliance with sound planning principles;
   (10) Compliance with the terms and conditions of any zoning approval;
   (11) Any other matter relating to the health, safety, and welfare of the community;
   (12) Property boundaries with dimensions and setback lines;
   (13) Location of proposed buildings and structures indicating sizes in square feet;
   (14) Data to show percentage of lot covered with existing and proposed buildings;
   (15) Elevations indicating exterior materials;
   (16) The locations, intensity, and height of exterior lights;
   (17) The locations of mechanical equipment;
   (18) Outside storage and/or display;
   (19) Drive-up window locations (must be away from residential uses/districts and not in front of building);
   (20) Curb-cut detail and location(s);
   (21) Parking, loading, and maneuvering areas;
   (22) Landscaping plan in accordance with the City Landscape Ordinance;
   (23) Location, materials, and elevation of any and all fences and/or walls;
   (24) Dumpster location and screening; and
   (25) Location and size of all signage.

e. *Effect and Limitation on Approval* - Site plan approval stands for 365 days from the approval date. If the building permit has not been issued within this time, the site plan approval shall be null and

void. The Council may consider a request for extension of this time up to 180 additional days for good cause. The site plan may be amended, but amendments shall be subject to the same procedures as a new site plan approval.

f. *Modifications* - Modifications in substantial conformance with an approved site plan may be approved by the Director of Planning and Zoning if they meet the following conditions:
   (1) The modification addresses actual site conditions that were not anticipated in the reviewed site plan;
   (2) The modification meets the intent of the site plan standards in an equivalent or improved manner than the original site plan; and
   (3) The modification results in no greater impact on adjacent property than the approved site plan.

g. *Nullification for Misrepresentation* - Any site plan decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of four (4) members of the City Council. It shall not require a formal site plan review process because the initial Council action will be determined null and void due to the material misrepresentation.

3. Board of Adjustment Application

a. *Initiation* - Applications to the board of adjustment may be made by:
   (1) Any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer;
   (2) Any person requesting a variance from the standards of this ordinance; or
   (3) Any person requesting a special exception as provided under this ordinance.

b. *Application* - An application for a Board of Adjustment review shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form, including grounds for the request for relief. Applications shall be made according to the published Board of Adjustments' schedule. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

c. *Notice* –
   (1) Published Notice - At least 15 days in advance of the hearing, notice shall be published in a newspaper of general circulation. The notice shall include the following:
      (a) A provision that the application will be considered by the Board;
      (b) A copy of the application is available at City Hall;
      (c) The time and place that the application will be considered by the Board;
      (d) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;
      (e) A general description of subject property, including any common name by which the property is known.

(2) Mailed Notice -The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of the property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.

(3) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.

(4) Compliance with Law- The foregoing requirements are intended to comply with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this Section C.3.c shall be construed so as to comply with such altered, amended or modified law.

d. *Review* – Application review shall occur according to the following:
   (1) A complete application shall be reviewed by the Director of Planning and Zoning. The Director shall offer a written report on the merits of the application to the Board of Adjustments.
   (2) The application shall be submitted to the Board at the scheduled public hearing, with the Director's report. The Board shall consider the application and take one of the following actions:
      (a) Grant the requested relief;
      (b) Grant the requested relief with specific conditions;
      (c) Deny the requested relief; or
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Board can take one of the above actions. An applicant may agree to more continuances.

e. *Criteria* –
   (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:
      (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
      (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.
      (c) Such conditions are peculiar to the particular piece of property involved; and,
      (d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.
   (2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:
      (a) Compliance with the Comprehensive Plan;
      (b) Compliance with any other approved planning document;
      (c) Compliance with the standards, goals, and intent of this ordinance;

(d) The character of the surrounding property, including any pending development activity;
(e) Adequacy of public infrastructure to support the proposed development;
(f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
(g) Compliance with other laws and regulations of the City;
(h) Compliance with other applicable laws and regulations of other jurisdictions;
(i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
(j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
(k) Overall benefit to the community;
(l) Compliance with sound planning principles;
(m) Compliance with the terms and conditions of any zoning approval; and
(n) Any other matter relating to the health, safety, and welfare of the community.

f. *Effect of Appeal* - An appeal to the Board stays all legal proceedings in furtherance of the application appealed from unless the Director certifies to the Board that a stay would cause imminent peril to life and property. In such cases, proceedings will not be stayed, unless by operation of a court of competent jurisdiction. If an appeal fails for any reason, the stay shall be lifted.

g. *Effect of Variance* – Any variance granted according to this section and which is not challenged on appeal shall run with the land provided that:
(1) The variance is acted upon according to the application and subject to any conditions of approval within 365 days of the granting of the variance or final decision of appeal, whichever is later; and
(2) The variance is recorded with the Judge of Probate.

h. *Limitation on Re-submission* - An application for the same parcel of land shall not be submitted within 365 days of final decision of the Board. Any application may be withdrawn without prejudice prior to the opening of the hearing by the Board. A request to withdraw an application shall be submitted to the Director in writing.

i. *Appeal* - Any party aggrieved by any final judgment or decision of the Board may appeal to the circuit court. Appeal to the circuit court must occur within 15 days of the Board's decision. Notice of the appeal shall be filed with the Board specifying the judgment or decision being appealed. The foregoing requirement relating to the time in which a party must appeal a decision of the Board is intended to comply with applicable law. To the extent that applicable law is hereafter altered, amended or otherwise modified this Section c.3.i.c shall be construed to as to comply with such altered, amended or modified law.

4. Permits and Certificates

Permits and certificates shall be issued in accordance with the following provisions;

a. *Commencement of Building:* It shall be unlawful to commence the excavation or 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, alterations, or repair of any structure, including accessory structures, until the building inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this ordinance. Application for the building permit shall be made to the building inspector on forms provided for that purpose and shall be accompanied by payment of the required fee.

b. *Approval of Plans and Issuance of Building Permit:* It shall be unlawful for the municipal building inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. The municipal building inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a dimensioned plan or plat showing sufficient detail to enable the municipal building inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance. At a minimum the plan or plat shall show:
   (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 any building or other structures already on the lot;
   (3) The existing and intended use of all such buildings or other structures; and
   (4) The adequacy of provisions for control of surface drainage.

   If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the building inspector of the municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the building inspector of the municipality 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.

c. *Permits Requiring Planning Commission Review:* Any permit or certificate meeting the standards of Section C.2.a. of this Article shall first require review and approval of a site plan by the Planning Commission prior to issuance of the permit or certificate.

d. *Expiration of Building Permit:* A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if work is not begun within 180 days from the date of issuance and the work for the entire project has not been completed within 365 days after issuance of the building permit. Request for a 90-day extension may be considered upon the applicant's request made prior to the permit expiration.

e. *Modification:* It shall be unlawful for the owner, after s/he has obtained approval of design plans, to change or substantially modify plans, either during construction or after completion without specific written approval of the building inspector.

f. *Certificate of Zoning Compliance and Certificate of Occupancy:* No land or building or other structure erected, moved or altered in its use shall be used until the building inspector of the municipality shall have issued a Certificate of Occupancy and the Director of Planning and Zoning shall have issued a Certificate of Zoning Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance. The Director of Planning and Zoning shall perform the final inspection within reasonable time after receiving a request, and issue either a Certificate of Zoning Compliance or a denial in writing. A denial shall state the reasons for denial. Any person or firm who occupies or causes to be occupied any premises without a Certificate of Occupancy and/or a Certificate of Zoning Compliance shall be subject to citation for violation of this ordinance and shall be subject to all remedies and penalties hereof.