

- (1301.1) Changed to another nonconforming use;
- (1301.2) Re-established after discontinuance of one (1) year;
- (1301.3) Altered or enlarged except in order to make the building safe, or to improve the building provided the floor area is not increased, or except to provide off-street parking within one hundred fifty (150) feet of the principal building provided the parking area is separated from abutting residential properties in a residential district by a ten (10) foot wide planted evergreen buffer strip;
- (1301.4) Extended to occupy a greater area of land;
- (1301.5) Extended to occupy a larger floor area of a building or structure, unless such additional floor area already existed as a part of the building and structure and is manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside said structure;
- (1301.6) Rebuilt, altered, or repaired after damage exceeding fifty (50) per cent of the replacement cost at the time of destruction, except in conformity with this ordinance; or
- (1301.7) Moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

Sec. 1302. Establishment of additional nonconforming uses.

No additional uses not conforming to the requirements of this ordinance shall be established in connection with any nonconforming use of land.

Sec. 1303. Elimination of the nonconforming status of land.

Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Sec. 1304. Relocation of structures.

Should any nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

The intent of this article is to provide for suitable and proper administration and enforcement of the provisions of this ordinance; to designate the enforcing officer; to outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; and to set forth the penalties for violating the provisions of this ordinance.

Sec. 1401. Administration.

It shall be the duty of the building inspector and he or she is hereby given the authority to administer and enforce the provisions of this ordinance. The building inspector shall be authorized to: (1) issue building permits; (2) issue certificates of occupancy; (3) issue temporary certificates of occupancy and temporary certificates of zoning compliance; (4) review building and parking plans and specifications; (5) inspect buildings or premises; (6) inspect the construction progress.

Sec. 1402. Building permits.

No building or accessory structure shall be erected, located, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued by the building inspector except in conformity with the provisions of this ordinance, unless he or she is so directed by the city council as provided by this ordinance. No building permit issued under the provision of this ordinance for land use or construction in the City of Union Springs shall be considered valid unless signed by the building inspector. The issuance of the permit does not waive any requirements or provisions of

this ordinance. If the application is rejected, the building inspector will state in writing on the application the reason for rejection.

(1402.1) *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

- (1) The actual dimensions of the subject lot;
- (2) The shape, height, use and location of all buildings or structures on the lot to be erected, altered, or moved;
- (3) The size, shape, height, use and location of the existing buildings or structures on the lot;
- (4) The number of dwelling units the building, if residential, is designed to accommodate;
- (5) The setback lines of buildings on adjoining lots;
- (6) The layout of off-street parking and loading spaces;
- (7) A certificate from the city's utility department indicating:
 - (a) tentative approval of the proposed sewer installation; or
 - (b) absence of public sewerage;
- (8) A certificate from the Bullock County Health Department approving the proposed location of the septic tank, and field lines provided public sewerage is not available;
- (9) Such other information as may be necessary to provide for the proper enforcement of the provisions of this ordinance.

(1402.2) *Building permits for improvements in flood hazard areas.* All applications for building permits in flood hazard areas shall meet the requirements of Article XI of this ordinance in addition to the following requirements:

- (1) Plans shall show the relationship of the proposed improvements to the location of the flood area and the one hundred (100) year flood elevation; and
- (2) Specifications for building construction and materials, floodproofing, filling, dredging, grading, storage of materials, and installation of utilities shall be indicated on the plans.

(1402.3) *Construction progress.* Any building permit issued becomes invalid if work authorized by it is not commenced within one (1) year of the date of issue or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

Sec. 1403. Certificate of occupancy.

No land, building or other structure or part thereof hereafter erected, moved, located, or altered in its use shall be occupied or used until the building inspector shall have issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after the owner or his or her agent has notified the building inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector 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 specifically wherein the nonconforming use fails to meet the provisions of this ordinance.

(1403.1) *Application for certificate of occupancy.* All applications for certificates of occupancy shall be accompanied by a plan showing the required open space reserved for off-street parking in compliance with Article VIII and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with the approved plan.

- (1) No certificate of occupancy shall be issued unless the lot or building or structure complies with all of the provisions of this ordinance. The installations of the septic tanks and field lines, when said facilities are required, shall be approved by the county health officer before back-filling. Written approval of said installation shall then be presented to the building inspector before a certificate of occupancy may be issued.
 - (2) A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.
- (1403.2) *Temporary certificate of occupancy.* A temporary certificate of occupancy may be issued by the building inspector for partial use or occupancy of any building or structure during construction, alteration or repair for a period not exceeding six (6) months prior to the completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and general public.

Sec. 1404. Issuance of building permits and certificates of occupancy.

The building inspector shall not issue a building permit or a certificate of occupancy for any conditional use specifically identified in this ordinance as the use permitted on appeal to the zoning board of adjustment, or for use for which an appeal has been made with the board, until such inspector is so directed by the board.

Sec. 1405. Temporary certificate of zoning compliance.

Temporary uses as set below are declared to possess certain characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location.

(1405.1) The building inspector is authorized to issue a temporary certificate of zoning compliance for the following temporary uses:

- (1) Carnival, circus, or fair in any commercial or industrial district or in the R-A Residential-Agricultural district, for a period not to exceed twenty-one (21) days, subject to the approval of the city council.
- (2) Religious meeting in a tent or other temporary structure in any commercial or industrial district or in the R-A Residential-Agricultural district, for a period not to exceed sixty (60) days.
- (3) Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.
- (4) Real estate sales office in any district, for a period not to exceed one (1) year, provided that the office is not used for living purposes.
- (5) Contractor's office and equipment shed in any district, for a period of one (1) year, provided that such office or shed is to be placed on the property to which it is appurtenant.

(1405.2) All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Sec. 1406. Penalties for violations.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Each day such violations continue shall constitute a separate offense.

Sec. 1407. Remedies.

If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained or any building,

structure or land is used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violations in the case of such building, structure or land.

ARTICLE XV. ZONING BOARD OF ADJUSTMENT

It is the purpose of this article to provide for the establishment of a zoning board of adjustment and to define the powers, duties and administrative procedures of the board.

Sec. 1501. Establishment.

The zoning board of adjustment shall consist of five (5) members, each to be appointed by the city council for a term of three (3) years, except that in the first instance one member shall be appointed for a term of three (3) years, two for a term of two (2) years and two for a term of one (1) year, and thereafter each member appointed shall serve for a term of three (3) years or until his or her successor is duly appointed. Each member of the board shall be a bona fide resident and qualified elector of the City of Union Springs. In addition to the five (5) regular members provided for in this section, two (2) supernumerary members qualified as above, shall be appointed to serve on the board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. The supernumerary members shall be appointed to serve for three (3) year terms, and shall be eligible for re-appointment. One member of the zoning board of adjustment may be a member of the city planning commission, but no other member shall hold other public office or be employed by the city. There shall be no limit upon the number of terms any member of the board may serve. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the board may be removed for cause by the appointing authority upon written charges after public hearing.

Sec. 1502. Procedures.

The board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. Such rules and procedures shall provide for a chairman, a vice-chairman (acting chairman), and a secretary, to be elected annually. The board shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. The concurring vote of four (4) members shall be required in order to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the application on any matter upon which it is required to pass.

Sec. 1503. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in the chairman's absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

Sec. 1504. Powers and duties; general.

The board shall have the power to interpret the provisions of this ordinance, decide on cases of special exceptions and variances, and hear appeals from decisions of the building inspector. In exercising these powers, the board shall act within the limitations established by law and follow the procedures set forth in subsequent sections.

Sec. 1505. Administrative review and interpretation of ordinance.

The board is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector in the enforcement or administration of this ordinance. The board may review upon appeal any provision of this ordinance or the