

ORDINANCE NUMBER HL-16-01

ZONING ORDINANCE FOR HIGHLAND LAKE, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, CODE OF ALABAMA 1975, AS AMENDED. TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF HIGHLAND LAKE, ALABAMA AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Town of Highland Lake, Alabama as follows:

ARTICLE I

Short Title

This ordinance shall be known as the “Zoning Ordinance of Highland Lake, Alabama”, and a map herein referred to, identified by the title “Zoning Map of Highland Lake”, shall be further identified by the signature of the Mayor of Highland Lake, and attested by the Clerk. The Zoning Map of Highland Lake and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such a map shall be filed in the office of the Town clerk and show thereon the date of adoption of this ordinance.

ARTICLE II

Purpose

Section 1.0. Generally.

The Zoning regulations and district as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements. The regulations have also been made with reasonable consideration, among other things to the character of the district and its peculiar suitability for particular uses; and with a view to conserving the value to buildings and encouraging the most appropriate use of land throughout the Town.

ARTICLE III

GENERAL REGULATIONS

Section 1.0. General Use Regulations.

The following general regulations pertain to the administration, enforcement of, and compliance with this Ordinance.

- 1.1 **Application of the Ordinance.** No structure shall be constructed, erected, planned or maintained and no land use commenced or continued within the Town of Highland Lake except as specifically or by necessary implication, authorized by this Ordinance.
- 1.2 **Except as Otherwise Provided in This Ordinance.**
 - A. It is the intent of this ordinance that there shall be one residential structure per lot. This residential structure shall be no less than eighteen hundred (1,800) square feet of living space, excluding porches and carport. All accessory structures shall be subject to town approval and shall not include living quarters. However, protective shelters (storm shelters) may provide temporary living quarters in times of danger or emergency.
 - B. No land may be used except for a purpose permitted in the district in which it is located.
 - C. No building shall be erected, converted, enlarged, reconstructed, moved or structurally, nor shall any building be used except for a use permitted in the district in which the building is located.
 - D. No building shall be erected, enlarged, reconstructed, moved or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
 - E. The minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of the Ordinance or for any building hereafter erected, shall not be encroached upon or considered as required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.

- F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot. Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Zoning Board of Adjustment.

1.3 Joint Occupancy.

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

1.4 Public Utilities.

Utility structures including, but not limited to, poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide communication services and pipe lines, vents, valves, hydrants, regulator, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected, repaired, maintained or replaced within any district within the Town. This is not to be construed to include the erection or construction of buildings. (See district regulations for public utility facilities and services in R1 Residential District).

Section 2.0. Non-Conforming Uses.

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that Non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2.1 Non-Conforming Lots of Record.

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may not the less be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Zoning Board of Adjustment for the district in which it is located. However, this provision shall not apply when two (2) or more such lots exist with continuous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner, which creates lot width or area below the requirements stated in this Ordinance.

2.2 Continuance.

A lawful non-conforming use existing at the time of the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

2.3 Restoration to Safe Condition.

Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

2.4 Restoration After Damages.

No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 per-cent of its current replacement value at the time of such damage shall be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 per-cent of its current replacement value it may be rebuilt or restored and used as before the damage.

2.5 Abandonment.

A non-conforming use, which has been discontinued for a continuous period of one year, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

2.6 Change In Use.

A non-conforming use shall not be changed to another non-conforming use.

2.7 Abandoned Right-Of-Way.

Whenever any street, alley or other public way is vacated or abandoned by official action of the Town of Highland Lake, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations to the extended district.

2.8 Buildings To Be Moved.

Any building or structure which is to be moved to any location within the Town Limits of Highland Lake, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance.

2.9 Reduction in Lot Area Prohibited.

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance. However, where a lot of official record at the time of adoption of this ordinance does not consist of sufficient land to enable the owner to conform to the yard and other requirements of this Ordinance, such lot may be used as a building site provided in the opinion of the Zoning Board of Adjustment it conforms as closely as possible to the requirements of the district in which it is located. (Also see subsection 2.1)

2.10 Corner Visibility in Residential Districts.

In a residential district, no fence, wall, shrubbery, sign, marquee, or other obstructions to vision between the heights of three and one-half (3 ½) feet and fifteen (15) feet above street level shall be permitted with twenty (20) feet of the intersection of the right-of-way lines of two streets.

2.11 Future Street Lines.

On any lot which at the time of adoption of this Ordinance, or at the time this Ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and maximum building area shall be measured by considering the future street line as the lot line of such lot.

2.12 Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance.

The Zoning Board of Adjustment may require the conduct of any use, conforming or non-conforming use, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion, hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Zoning Board of Adjustment may direct the Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Zoning Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

ARTICLE IV

ADMINISTRATION

Section 1.0. Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the Town. He may be provided with the assistance of such other person or persons as the Town Council may direct. The Building Inspector, or the duly authorized representative, shall in relation to this Ordinance:

- A. Review all building permit application with regard to conformance with all applicable provisions of this Ordinance and perform required inspection to insure such conformance.
- B. Issue all building permits and maintain records thereof.
- C. Issue all certificates of occupancy and maintain records thereof.
- D. Issue and renew, where applicable, all temporary use permits and maintain records thereof.
- E. Maintain current zoning maps and records of amendments thereto.

- F. Have the right to enter upon any premises at any reasonable time for the purpose of making inspection of land or structure necessary to carry out the enforcement of this Ordinance. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall proceed to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structure or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Section 2.0. Building Permit Required.

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 to erect temporary field offices, or to commence the moving, alteration or repair of any structure, including accessory structures, including plumbing or electrical additions or alterations, 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 structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.

Section 3.0. Plot Plan.

- A. It shall be unlawful for the 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. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed development is in conformance with this ordinance:
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 of any building or other structures already on the lot, both above and below existing grade.
 3. The existing and intended use of all such buildings or other structures.
 4. The setback and side lines of buildings on adjoining lot and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

Section 4.0. Site Plan Review.

- A. New construction and substantial site development expansion of all planned residential developments, patio homes, and institutional uses shall be required to approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information described below. Two reproducible sets of plans and one copy of each set shall be submitted for approval.
1. Cover sheet with:
 - a. Name and location of the development; name, address and signature of the owner, name, address and seal of the engineer.
 - b. Vicinity map.
 - c. Zoning and existing and proposed land use of the site.
 - d. Date, scale, north arrow and number of street.
 2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
 3. Drainage, paving, grading and excavation, erosion and sedimentation, stormwater detention, floodplain management controls.
 4. Public and private utilities, including sewage disposal system and water system.
 5. Fire lanes and hydrants.
- B. The Building Inspector shall review the site plans for general completeness and compliance with this Ordinance. The Building Inspector 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 copy of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector. 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 within twelve month of approval.
- C. The applicant shall reimburse the Town for any professional fees incurred in the review of the applicant's site plan.

Section 5.0. Certificate of Occupancy.

Within fourteen (14) days after the owner or his agent has notified the Building Inspector of the Town that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the Town 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 the Ordinance, or if such certificate is refused, to state the refusal in writing with the cause. One copy of the signed certificate of occupancy, a signed stated by the owner or his agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Inspector. Appeals shall be heard by the Zoning Board of Adjustment.

Section 6.0. Interpretation of District Boundaries.

The Zoning Board of Adjustment shall make an interpretation of the “Highland Lake Zoning Map” upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- A. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- B. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- C. No lot shall be re-subdivided without the approval of the Zoning Board of Adjustment, and each lot must be 21,780 square feet (one-half acre) in area.
- D. In areas where sewer is not available, the minimum lot size shall be 0.50 acre (21,780 square feet) and/or shall meet the local Health Department Regulations, whichever is greater. Lots shall have a minimum of 100 feet of road frontage along the main travel way of the subdivision and a minimum of 60 feet of road frontage in the cul-de-sacs. *Note: This requirement applies to lots subdivided after the effective date of the Subdivision Rules and Regulations amendment (May 12, 2008). Lots that were subdivided prior to the approval of these regulations are grandfathered.*
- E. All waterfront lots created by a re-subdivision of an existing lot or lots must have a minimum of one hundred (100) linear feet of shoreline along the nine-hundred (900) contour line.
- F. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

Section 7.0. Interpretation of Uses.

This Ordinance recognizes the limitation of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Building Inspector interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Appeal to the Building Inspector's use interpretation may be filed with the Zoning Board of Adjustment.

Section 8.0. Expiration of Building Permit.

Any permit that has been issued, for which no construction work has been done above the foundation walls or other foundation support within six months from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. Construction of the building shall be completed within one year from the date of issuance of the building permit.

Section 9.0. Unlawful Structure.

Any uses of land or dwellings or construction or alteration of buildings or structures including tents or trailer, coaches or uses erected, altered, razed or converted in violation of any of the provisions of the Ordinance are hereby declared to be a nuisance per se. The Building Inspector is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Building Inspector has determined a structure is not in compliance with the requirements contained in this Ordinance, the owner or occupant may be required to vacate such structure or premises until such has been adapted to conform with the provisions of this Ordinance.

Section 10.0. Penalties.

Any person, firm, corporation, or other organization, which violates any provision of the Ordinance, shall be fined upon conviction not less than ten dollars (\$10.00) no more than two hundred dollars (\$200.00) per day and costs of court for each offense. Each Day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this Ordinance.

Section 11.0. 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 Building Inspector of the Town or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent unlawful erection, construction, alteration, repair, conversion, maintenance or use, to correct or abate violations or to prevent occupancy of such building, structure or land.

Section 12.0. Zoning Board of Adjustment.

12.1 Appointment.

A Board of Adjustment is hereby established, Such Board shall be appointed as provided by Section 11-52-80, Code of Alabama, 1975, or as the same may be amended, and shall have all powers granted therein.

The Board shall consist of 5 members appointed for three year staggered terms. Two supernumerary members shall be appointed for three year terms to serve on the Board at the call of the Chairman in the absence of regular members. Supernumerary members have the power and authority of regular members. Vacancies on the Board shall be filled for the unexpired term of any member whose position should become vacant. Appointed members may be removed for cause by the Town Council of Highland Lake upon written charges and after a public hearing. The Town Council of Highland Lake has sole appointing authority for the Zoning Board of Adjustment.

12.2 Procedure.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman, or in his absence, the acting Chairman. He may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

12.3 **Powers and Duties.**

The Zoning Board of Adjustment shall have the following powers and duties as granted in Section 13.2 above and as specified herein. The duties of the Zoning Board of Adjustment are as follows:

- A. Interpret and apply provisions of the Zoning Ordinance in special cases.
- B. Serve as an appeal board for (1) variance requests, (2) existing ordinance interpretations and (3) requests for uses that may be permitted by the Zoning Ordinance upon appeal.

12.4 **Administrative Review.**

To hear and decide appeals where it is alleged that an error exists in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

Section 13.0. Special Exceptions.

To hear and decide such special exceptions as the Zoning Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, certain land uses are identified for special treatment. The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the proper integration of these uses into the Town's land use pattern, a special set of standards are provided for each use. Review of these standards will tend to maintain compatibility with adjoining land uses. It is intended that the Zoning Board of Adjustment will review all proposals for these special exception uses for compliance with the appropriate provisions of Article VI, Supplemental Regulations before approval is granted and a building permit is issued.

13.1 **Special Exception Procedures.**

All uses listed as permitted by special exception shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception shall be filed with the Building Inspector at least 30 days before the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials.

- 1. Name, signature, and address of the property owner and agent of the property owner, if any.
- 2. Address of the property under consideration.

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3. Zoning and land use of the property under consideration.
 4. Proposed use by special exception.
 5. A vicinity map showing the location of the property.
 6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout.
 7. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owner (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
 8. A \$125.00 filing fee.
- A. **Public Notice.** At least 15 days prior to the scheduled Zoning Board of Adjustment hearing, the Building Inspector shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
1. The name of the applicant.
 2. The location of the property.
 3. The proposed use by special exception.
 4. The time, date and location of the Zoning Board of Adjustment meeting.

13.2 Variances.

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

- A. **Justification.** Variances to the terms of this chapter may be granted individual cases upon finding by the Zoning Board of Adjustment that the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of this chapter subject to a variance will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. More specifically, the Board shall determine all of the following criteria have been satisfied:

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1. The Board should make proper adjustment to prevent unnecessary hardship. Even to the extent of authorizing nonconforming uses. Where the Board authorizes a nonconforming use in a district to prevent unnecessary hardship, all relevant factors, when taken together, must indicate that the plight of the premises in question is unique in that they cannot be put reasonably to a conforming use because of the limitations imposed upon them by reason of their classification in a specific zone.
 2. Variances should be permitted only under peculiar and exceptional circumstances.
 3. Hardship alone is not sufficient; Alabama statutes require unnecessary hardship.
 4. Mere financial loss of a kind, which might be common to all to the property owners in a district, is not an unnecessary hardship.
 5. Variances should be granted sparingly, and spirit of this chapter in harmony with the spirit of State law should be carefully preserved, to the end that the structure of this section would not disintegrate and fall apart by constant erosion at the hands of the Board.
 6. When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.
- B. Application. An application for a variance shall be filed with the Building Inspector at least 30 days before the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector and shall include the following information and materials:
1. Name, signature and address of the property owner and agent of the property owner, if any.
 2. Address of the property under consideration.
 3. Zoning and land use of the property under consideration.
 4. Nature of the variance with reference to applicable zoning provisions.
 5. Justification for the variance in accordance with all of the criteria in (a) above.
 6. A vicinity map showing the location of the property.

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7. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.
 8. Stamped No. 10 envelopes (legal size) with the names and addresses of adjacent property owner (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
 9. A \$125.00 filing fee.
- C. Public Notice. At least 15 days prior to the scheduled Zoning Board of Adjustment hearing, the Building Inspector shall give written notice of the variance to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. The notice shall state the following information:
1. The name of the applicant.
 2. The location of the property
 3. The nature of the variance and the applicable zoning provisions.
 4. The time, date and location of the Board hearing.

13.3 Action on Appeals.

In exercising the above mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

13.4 Appeals-How Taken.

Appeals to the Zoning Board of Adjustment may be taken by any persons aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty days of such lesser period as may be provided by the rules of the Board, by filing with the Building Official and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting when which the action appealed from was taken.

13.5. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown.

13.6 Appeals From Action of the Board.

Any party aggrieved by any final judgement of the Zoning Board of Adjustment, may appeal therefrom to the circuit court or court of like jurisdiction as provided by Section 11-52-81, Code of Alabama, 1975, or as same may be amended.

Section 14.0. Amendments.

14.1 Procedure.

The regulations and the number, area and boundaries of districts established by the Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council of the Town of Highland Lake, but no amendment shall become effective unless it is first submitted to the Highland Lake Planning Commission. At its own initiative, this body may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provision of this Ordinance or to the Zoning Map of Highland Lake and report its recommendation to the Town Council of Highland Lake.

A planning commission consists of nine members for a six year term chosen as follows: the mayor or his or her designee is an ex officio member, one member is an administrative officer of the municipality appointed by the mayor, one member is a councilmember selected by the council and the remaining six members, none of whom may be officers of the municipality, are appointed by the mayor.

14.2 **Authority to Amend.**

Whenever the public necessity, convenience, general welfare or good zoning practices warrants such action, the Town Council, by favorable vote of a majority of the members, may amend the regulation or zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, Section 11-52-78.

14.3 **Authorized Petitioners.**

A petition for amendment of the Ordinance or the zoning district boundaries may be initiated by the Town Council, the Planning Commission or the owner or agent of such property subject to amendment of zoning district boundaries.

14.4 **Petition for Amendment.**

- A. A petition for amendment when initiated by the property owner or authorized agent of such owner and shall meet the application requirements of this section.
- B. The application for rezoning shall be made on a form available from the Building Inspector and be filed with the Building Inspector at least 30 days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:
 - 1. Name, signature and address of the property owner and agent of the property owner, if any.
 - 2. Address and legal description of the property under consideration, accompanied by a copy of the application tax maps clearly identifying the property subject to rezoning.
 - 3. Present and proposed zoning and land use of the property under consideration.
 - 4. Reason for the rezoning request.
 - 5. Availability of required utilities and methods of stormwater drainage and traffic control.

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6. A vicinity map, drawn to scale, showing the size and location of the property.
7. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout.
8. Public hearing notices on a form made available by the Building Inspector and stamped No. 10 envelopes (legal size) with the names and address of adjacent property owners (including those directly across a public right-of-way), as shown in the most recent records of the Blount County Tax Assessor.
9. A \$125.00 filing fee.

Section 15.0. Planning Commission Action.

- A. In the case of a petition by a property owner, at least 15 days prior to the scheduled Planning Commission hearing, the Building Inspector shall give written notice of the rezoning to all adjacent property owners.

Such notices shall be deemed given when deposited in the United States mail, first class postage prepared, addresses to such property owners at their addresses as submitted with the rezoning application. The notice shall state the following information:

1. The name of the petitioner.
 2. The location of the property.
 3. The current and proposed zoning and land use of the property.
 4. The time, date and location of the Planning Commission hearing of the proposed zoning amendment.
- B. The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.

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- C. At least six days public notice of the hearing shall be given in accordance with the publication or posting requirement in Section 17.1 Public Notice of Hearing. The Planning Commission, by majority vote, shall report its recommendations to the Town Council. The Planning Commission report shall be transmitted to the Town Council within thirty days of the hearing, unless the Town Council grants an extension of such period. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Section 16.0 Town Council Action.

- A. Upon receipt of the recommendation of the Planning Commission, the Town Council shall hold a public hearing on the proposed amendment at the next regularly scheduled Town Council Meeting.
- B. The Town Council shall give public notice of the hearing on the proposed amendment in accordance with Section 17.1 Public Notice of Hearings.
- C. Following notice and hearing, the Town Council shall decide by majority vote to accept or reject the proposed amendment.
- D. If the Town Council takes no final action upon the proposed amendment within ninety days after receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been rejected and overruled by the Council.

16.1 Public Notice of Hearings.

- A. At least 15 days in advance of the public hearing before the Town Council, the Council shall publish the proposed zoning ordinance amendment in full for one insertion in a newspaper of general circulation published with the Town, together with a notice stating the time and place that the ordinance is to be considered by the Town Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such Ordinance. One week after the first insertion, the Town Council shall have published a synopsis of the proposed ordinance, which synopsis shall refer to the date of the newspaper in which the proposed ordinance was first published. If there is no newspaper of general circulation published within the Town, then the Town Council must cause the ordinance and notice to be posted in four conspicuous places within the Town. The Commission may both publish and post the hearing notice.

- B. At least 6 days in advance of the public hearing before the Planning Commission, the Commission shall publish notice of the proposed zoning ordinance amendment for one insertion in a newspaper of general circulation published within the Town, stating the time, place and object of the hearing and stating further that at such time and place all persons who desire shall have opportunity of being heard in opposition to or in favor of such ordinance. If there is no newspaper of general circulation published within the Town, then the Planning Commission must cause the ordinance and notice to be posted in four conspicuous places within the Town. The Commission may both publish and post the hearing notice.

- C. The applicant for a rezoning shall be responsible for posting property with signs made available by the Building Inspector. Each placard shall note the proposed district change and the time and place of the Planning Commission hearing. Property shall be posted at least 15 days in advance of the public hearing before the Planning Commission and remain posted until the public hearing is completed. The applicant shall place the signs at reasonable intervals along the public street abutting the property.
(State Law reference – Procedure for adoption, Code of Alabama, 1975, Section 11-52-77)

16.2 Limitations on Rezoning Amendments.

Should the Town Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of one year has elapsed from the date of such action by the Town Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the Town Council shall also require, a one year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required filing fee must be paid. Under no condition shall the fee be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE V
DEFINITIONS

Section 1.0. Purpose of Definitions.

For the purpose of the Zoning Ordinance, certain terms used in the Ordinance shall have the meanings defined by this article. In the event a term is not listed in this article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

Section 2.0. Interpretation.

The Building Inspector is authorized to make a final determination of the meaning of any term used in this Ordinance. In case of any dispute, an appeal of the Building Inspector's determination may be filed with the Zoning Board of Adjustment.

Section 3.0. Word Usage.

In the interpretation of the Zoning Ordinance, the provisions and rules of this section shall be observed and applied, except when the contact clearly required otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word **shall** is mandatory, and the word **may** is permissive.
5. The word person includes an individual, firm, association, organization, partnership, trust, company or corporation.

Section 4.0. Words and Phrases Defined.

The following general terms when referred to in this Ordinance shall have the meanings defined by this section:

ABUT, ADJACENT, ADJOIN OR CONTIGUOUS. To physically touch or border upon or to share a common border with or be separated from the common border by an easement.

ACCESSORY STRUCTURE. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot and which constitutes a customarily incidental and substantial part of the total activity on the lot.

ADDITION. A structure added to the original structure at some time after completion of or after a certificate of occupancy had been issued for the original structure.

ALTERATION. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

APPLICANT. A person submitting an application for development, a variance, a special exception use or rezoning.

BEDROOM. A room marketed, designed or otherwise intended to function primarily for sleeping.

BOARD OR BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of Highland Lake, Alabama.

BUFFER. A strip of land that is retained in an undeveloped state for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the affects of adjacent lighting and enhancing the natural environment. Buffers may consist of existing or planted trees, shrubs or vegetation, fences, walls or earth berms.

BUILDING. A structure designed to be used as a place of occupancy, storage or shelter.

BUILDING-ACCESSORY. A subordinate building detached from a principal building on the same lot which is used incidentally to a principal building or that houses an accessory use.

BUILDING, PRINCIPAL. The primary building on a lot or a building that houses a principal use.

BUILDING, FRONT. The exterior wall of a building which faces a front lot line of the lot.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

BUILDING LINE OR BUILDING SETBACK LINE. A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

BUILDING SPACING. The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters.

COMMISSION OR PLANNING COMMISSION. The Planning Commission of Highland Lake, Alabama. The most widely used board created by municipal governing bodies for municipal planning, zoning and subdivision control.

COUNCIL OR TOWN COUNCIL. The Town Council of Highland Lake, Alabama.

DWELLING. Any building or portion thereof, which is designed and used for residential occupancy.

DWELLING – SINGLE FAMILY. A dwelling unit on an individual lot, such as a single family residence.

EASEMENT. Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.

FAMILY. One (1) or more persons living together as a single housekeeping unit.

FLOOR AREA – GROSS. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUND COVERAGE. The total square footage of ground area covered by any and all building. Ground coverage for the purpose of determining maximum building percentages will not include driveway, decks or other uncovered improvements.

IMPROVEMENT. Any man-made, immovable item which becomes a part of, placed upon, or affixed to real estate.

LIVABLE FLOOR AREA. Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation or working purposes.

LOT. A parcel of land in one ownership, used or set aside and available for use as the site of one or more building and accessory buildings or for any other purpose.

LOT – CORNER. A lot abutting two (2) or more streets at their intersection.

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COUNTY OF BLOUNT
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LOT, INTERIOR. A lot other than a corner lot.

NONCONFORMITIES. Lawful uses, lots, structures or characteristics of uses which, as a result of adoption or subsequent amendment to this ordinance, no longer conform to all applicable zoning provisions.

OWNER. The person or persons having the right to legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PERIMETER. The boundaries or borders of a lot, tract or parcel of land.

PREMISES. A lot, parcel, tract or plot of land together with the structures thereon.

PROPERTY LINE. The lot line or boundary line.

RETAIL. The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

SATELLITE DISH ANTENNA. An accessory structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites.

STREET. Any vehicular way which has been dedicated to the public for public use, including all land within the right-of-way.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

SPECIAL EXCEPTION USE. A use which is permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued in accordance with the provisions of the Ordinance.

THIS ORDINANCE. The Highland Lake Zoning Ordinance.

USE. The activity or function that actually takes place or is intended to take place on a lot or site.

VARIANCE. A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

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COUNTY OF BLOUNT
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YARD. A minimum open area unobstructed from the ground up on the same lot with a structure, extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and a lot line.

YARD, FRONT. A minimum yard between a structure and a front lot line and extending the entire length of the front lot line. In the case of a corner lot or double frontage lot that front on more than one street, the yards extending along all streets are front yards.

YARD, REAR. A minimum yard between a structure and a rear lot line and extending the entire length of the rear lot line. In the case of a corner lot or double frontage, there are no rear yards but only front and side yards.

YARD, SIDE. A minimum yard between a structure and a side lot line, extending from the front yard to the rear yard, In the case of an odd shaped lot, any yard that is not a front or rear yard is a side yard. In the case of a corner lot or double frontage lot, any yard that is not a front yard is a side yard.

Section 5.0. Uses Defined.

The following uses when referred to in this Ordinance shall have the meanings defined in this section.

5.1 Residential Uses.

SINGLE FAMILY RESIDENCE. A detached, single family dwelling constructed on site in accordance with the 2009 International Residential Code (IRC).

HOME OCCUPATION. A business, profession, occupation or trade conducted for gain or support and located entirely in the living area of a dwelling as an incidental activity of the residence and employing only the residents of that dwelling, subject to the granting of a special exception use by the Zoning Board of Adjustment of the Town of Highland Lake, Alabama.

5.2 Institutional Uses.

COMMUNITY CENTER. Buildings designed or intended for social, cultural or community service purposes, including community meeting rooms, community recreation centers and similar uses.

COMMUNITY SERVICE CLUB. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal club or lodge, union hall, civic association and similar uses.

HOME INSTRUCTION. Instruction in the arts, music or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time; however, this exempts a family from homeschooling their legal children that are residents.

PARK. Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

PLACE OF WORSHIP. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

PUBLIC ASSEMBLY CENTER. Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers and similar uses.

PUBLIC BUILDING. Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government office, post offices, museums, libraries, transit stations, police stations, fire and emergency service stations, civil defense operations and similar uses.

PUBLIC UTILITY SERVICE. Essential utility services which are necessary to support development and which involve only minor structures such as lines and poles.

ARTICLE VI

ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purposes of the Ordinance, the Town of Highland Lake is hereby divided into the following district or zones. The location, boundaries and area of which are and shall be as shown and depicted upon the official zoning map. Said district or zones are to be as follows:

R-1 Single Family Residential District

The boundaries of the above districts are hereby established as shown on the official zoning map of the Town of Highland Lake. Questions concerning the exact location of district boundary lines shall be decided by the Zoning Board of Adjustment, as outlined in **Article IV, Administration, Section 5.0**. The zoning district regulations are as follows:

Section 1.0 R-1 Single Family Residential District.

1.1 Intent.

To provide areas suitable for single family detached residences, along with selected institutional and commercial uses which are integrally related to the residential neighborhood.

1.2 Uses Permitted.

The following uses shall be permitted in the R-1 District.

- Detached single family residences
- Customary accessory building and structures
- Non-commercial greenhouse and garden
- Garage or yard sale
- Satellite dish antenna
- Private swimming pool
- Public utility service
- Home instruction
- Storm shelters

1.3 Special Exception Uses.

The following uses shall be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment, and further subject to appropriate permits being issued.

- Park
- School
- Place of worship
- Home occupation
- Public utility facility
- Public building
- Community center
- Community service club
- Club

1.4 Area and Dimensional Regulations.

<u>Minimum Lot Size Area In Square Feet</u>	<u>All adjoining Property line Setback</u>	<u>Setback from right-of-way</u>
15,000	10 feet	25 feet

ARTICLE VII

SUPPLEMENTAL REGULATIONS

Section 1.0. Home Occupation.

- A. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the use permitted in the district of which it is a part.
- B. Such use shall not adversely affect the general welfare of the surrounding residential area due to potential noise, odor, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
- C. Customary home occupations shall be limited to an office or a business of a personal service nature.
- D. The home occupation shall be confined to twenty-five (25) percent of the principal building, and shall not be conducted in any accessory building located on the same lot as the principal dwelling. No outside storage shall be used in connection with a home occupation.
- E. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than those members of the residential family.
- F. No display of products shall be visible from the street and only articles made on the premises may be sold.
- G. The activity carried on as a home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
- H. Not more than one, non-illuminated, wall mounted sign of two or less square feet of area shall be permitted per dwelling.

Section 2.0. Accessory Buildings.

- A. Non-residential accessory buildings shall be permitted within 10 feet of any side or rear property line.
- B. Residential, detached accessory buildings, carports and garages on residential lots shall meet the following dimensional requirements:
 - 1. In no case shall the total ground coverage of any accessory structure(s) exceed the ground coverage of the main structure.
 - 2. The maximum height shall be 18 feet, but in no case greater than the principal building height.
 - 3. Such structures and additions shall be subject to the district front yard requirements in that respective zoning district.
- C. Accessory structures shall be constructed of materials which are compatible with other buildings in the zoning district in which located in order to insure that the aesthetic value and appearance of the neighborhood is retained.
- D. Accessory structures shall not be built prior to construction of the primary residence.
- E. Residential, Attached accessory building, carports and garages shall have no dimensional limitations, provided the structure meets setback and zoning district requirements.

Section 3.0. Swimming Pools.

- A. Swimming pools and wading pools within a depth of one foot or more in any portion of the pool, and not located within a permanently and completely walled structure, shall be constructed no closer than ten (10) feet of any property line and shall be completely fenced off from the ground up to a height of at least five (5) feet.
- B. Fences and gates shall be so constructed and of such material as to prevent the entry of children and usual household pets into the pool area. Gates shall be provided with adequate locking devices and shall be locked at all times when the pool is not in use.

Section 4.0 Storm Shelters

Storm shelters are permitted as principle or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures, or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principle or accessory uses prohibited expressly or by implication in the district.

ARTICLE VIII

LEGAL STATUS PROVISIONS

Section 1.0. Minimum Requirements

In their interpretation and application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this Ordinance imposes greater restrictions upon the use of a building or structure, or requires larger open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements; the provisions of this Ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants, or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the provisions of this Ordinance, such provisions shall govern.

Town Not Subject to Ordinance

Any provision of this Ordinance to the contrary notwithstanding, the Town, in exercising any governmental function, power or authority, shall not be subject to the provisions of this Ordinance or in anywise limited thereby in the exercise of such governmental function, power or authority.

Saving Clause

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 2.0. Effective Date

This Ordinance shall take effect and be in force from and after its passage and adoption. All previous Ordinances and amendments pertaining to Zoning for the Town of Highland Lake, Alabama are hereby rescinded.

Duly adopted by the Town Council this the 3rd day of October, 2016.

Signature on file

Gail S. Bailey
Mayor

Signature on file

Shani Ort
Council

Signature on file

Leland "Skip" Davis
Council

Signature on file

Tim Peek
Council

Signature on file

Donna Hanby
Council

Signature on file

Connie B. Vice
Council

ATTEST:

Signature on file

Town Clerk

**APPLICATION FOR VARIANCE
TOWN OF HIGHLAND LAKE**

1. **Date Application Filed** _____ **Hearing Date** _____

2. **Applicant:** _____

Address: _____

Phone Number: _____

3. **Owner of Record:** _____

Address: _____

Phone Number: _____

4. **Property Location:** _____

Tax Map Parcel Number(s): _____

Existing Zoning: _____ **Existing Land Use:** _____

Nature of Variance with reference to applicable zoning provision:

5. **Check all required submissions with this application:**

- \$125.00 application fee**
- Reason for request (Written justification)**
- Legal description of property**
- Vicinity map**
- Plot Plan with variance noted (required to setback variances)**

Signature of applicant _____

NOTICE: The applicant **must** be present at the public hearing.

****FOR OFFICE USE ONLY****

\$125.00 application fee received on _____ **by receipt #** _____

STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF HIGHLAND LAKE

APPLICATION FOR SPECIAL EXCEPTION USE

TOWN OF HIGHLAND LAKE

PART I. APPLICANT INFORMATION

Name of Applicant _____

Mailing Address _____

Phone _____

Signature of Applicant _____

PART II. PARCEL DATA

Owner of Parcel _____

Mailing Address _____

Tax Map Parcel
Number(s) _____

Existing Land Use _____ Existing Zoning _____

PART III. SPECIAL EXCEPTION REQUEST

Type of special exception use requested _____

PART IV. REQUIRED ATTACHMENTS

- A vicinity map showing location of property
- Plot plan (drawn to scale and dimensioned) showing the property boundaries and proposed development layout.
- \$125.00 filing fee

NOTICE: The completed application, including all required attachments must be filed at least 30 days before the Zoning Board of Adjustment public hearing. The applicant must be present at the scheduled hearing.

FOR OFFICE USE ONLY

Date Application Received _____

Scheduled Hearing Date _____

STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF HIGHLAND LAKE

SCHEDULE OF FEES

SQ. FT. OF BLDG	BASE FEE	PLUS PER FOOT	TOTAL FEE RANGE
1800-1999	\$300	\$0.10	\$480 – \$500
2000-2499	\$460	\$0.10	\$660 – \$710
2500 – 2999	\$460	\$0.10	\$710 – \$760
3000 – 3999	\$460	\$0.10	\$760 - \$860
4000 +	\$460	\$0.10	\$860
Additions with living space	\$35	\$0.30	
Additions without living space & accessory structures	\$25	\$0.10	

All new construction, as well as any additions, shall be subject to inspection by a certified building inspector.

The charge for each applicable inspection shall be forty dollars (\$40.00) per inspection.

BUILDING PERMIT EXTENSION/RENEWAL REQUEST

___ Extension ___ Renewal

Permits become null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of one year at any time after work is commenced.

Permit # _____ Permit Applicant: _____

Address: _____

Phone: _____ Email: _____

Provide brief explanation below why permit/activity has expired or is about to expire:

Additional supporting documentation may be required to approve a request to extend/renew a permit. Requests are subject to an administrative processing fee and a plan review to ensure plans meet existing building codes. If the effective code cycle has changed from that under which the expired permit was approved, plans will need to be submitted to comply with new code requirements. Additional inspections may also be required.

Fees Due

___ \$25.00 – Administrative Processing Fee

___ \$40.00 – Plan Review

___ Inspections

Signature: _____ Date: _____

APPLICATION FOR REZONING

HIGHLAND LAKE PLANNING COMMISSION

1. **Date Application Filed** _____ **Hearing Date** _____

2. **Applicant:** _____

Address: _____

Phone Number: _____

3. **Owner of Record:** _____

Address: _____

Phone Number: _____

4. **Property Location:** _____

Tax Map Parcel Number(s): _____

5. **Acreage:** _____

6. **Existing Zoning:** _____ **Existing Land Use:** _____

Proposed Zoning: _____ **Proposed Land Use:** _____

6. **Check all required submissions with this application:**

- \$125.00 application fee**
- Reason for request**
- Legal description of property**
- Vicinity map**
- Availability of required utilities (if undeveloped)**
- Public hearing notices**
- Site plan**

Signature of applicant _____

****FOR OFFICE USE ONLY****

\$125.00 application fee received on _____ **by receipt #** _____

**APPLICATION FOR SUBDIVISION REVIEW
HIGHLAND LAKE PLANNING COMMISSION**

1. **Date Application Filed** _____ **Scheduled Hearing Date** _____

2. **Applicant** _____

Address _____

Phone _____

3. **Owner** _____

Address _____

Phone _____

4. **Property Location** _____

Tax Map Parcel Number _____

5. **Acreage** _____

6. **Existing Zoning** _____ **Existing Land Use** _____

Proposed Zoning _____ **Proposed Land Use** _____

7. **Check All Required Submissions With This Application:**

- Legal Description of Subject Property**
- Vicinity Map**
- Availability of Required Utilities (Water, Sewer, Electric, etc.)**
- Site Plan (Mylar and 11 copies)**
- Restrictive Covenants (Must be submitted with application, if applicable)**
- \$125.00 Filing Fee**

Signature of Applicant _____

Signature of Authorization by Owner _____

****FOR OFFICE USE ONLY****

Date Application Received _____

This Application is a Preliminary or Final Subdivision Review (Circle One)

If Final Review, Are Streets Completed? Yes or No. If No, Completion Bond Must Be Submitted.