



ORDINANCE NO. 2022-04

AMENDMENT TO ARTICLE 2, SECTION C OF ORDINANCE NO. 2010-06

**AN ORDINANCE AMENDING ORDINANCE NO 2010-06, ADOPTED BY
THE TOWN OF MAGNOLIA SPRINGS ON THE 22ND DAY OF
JUNE 22, 2010.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA SPRINGS,
ALABAMA AS FOLLOWS:**

WHEREAS, the Town Council adopted the Town's Zoning Ordinance, Ordinance No. 2010-06 on June 22, 2010;

WHEREAS, the Town Council adopted an Ordinance Amending Ordinance No. 2010-06, Ordinance No. 2015-02 on April 28, 2015;

WHEREAS, the Town Council wishes to further amend Ordinance No. 2010-06 by amending Article 2, Section C, Paragraph 2 of Ordinance No. 2010-06 titled Permits and Certificates by adding a new Paragraph 2.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of Magnolia Springs as follows:

1. Article 2, Section C, Paragraph 2 shall read as follows:
 2. **Land Use Certificates:** A land use certificate shall be obtained from the Town Staff prior to the commencement of development and issuance of any building permit, including electrical, HVAC and plumbing permits.
 - a. Application procedure. Upon meeting applicable submission requirements, the Town Staff shall receive for review the application for a land use certificate.
 - b. The Town Staff shall circulate the application to the Building Official, County Engineer, and others, as appropriate, for review and comment.
 - c. The land use certificate shall be issued or denied within fourteen (14) calendar days otherwise it shall be deemed to be approved. The time-limit can be extended up to an additional fourteen (14) calendar days by mutual written consent of the applicant and the Town of Magnolia Springs, or its designated representative, if additional review is needed. If the certificate is denied the reasons for denial must be provided to the applicant in writing.

- d. Application submission
 - i. Application form: The land use certificate shall be on a form provided by the Town Administrative Staff.
 - ii. Plans and specifications: Each application for a land use certificate shall be accompanied by an accurate site plan drawn to scale showing: the actual shape, dimensions and size of the lot to be built upon, the size, shape, height, floor area and location of the buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; and such other information as may be reasonably requested to determine compliance with these zoning regulations including but not limited to a landscaping plan, erosion control plan, stormwater management plan, and utilities plan.
 - iii. State and Federal permits: Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application for a land use certificate, and the land use certificate if required will be conditioned upon the actual receipt of said permits by the applicant.
 - iv. Application fee: The applicant for a land use certificate shall be required to pay an application fee according to the current schedule of fees established by the Magnolia Springs Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- e. Conditions and restrictions on approval: A land use certificate shall be valid for the issuance of a building permit for 180 days after issuance. After that time a new land use certificate must be obtained.
- f. Revocation of land use certificate: The staff or Town Council may revoke a land use certificate issued in a case where there has been a false statement or misrepresentation in the application or on the site plan for which the Certificate was issued or if after a documented warning has been issued the applicant has failed to comply with the requirements of these zoning regulations. Revocation of the land use certificate shall also cause suspension of the building permit until such time as in the judgment of the Town Staff the applicant is in compliance with the requirements of these zoning regulations.
- g. Right of appeal: The applicant may appeal the denial of the land use certificate to the Board of Adjustments in writing within twenty (20) calendar days after the rejection of the application.

2. The Town Council hereby adopts these amendments to Ordinance No. 2010-06.

3. The Town Clerk is directed to note that Ordinance No. 2010-06 has been amended by this Ordinance.

4. This Ordinance shall become effective immediately upon its approval, adoption, and publication as required by law.

Adopted this 23rd day of August 2022.



Kim Koniari, Mayor

ATTEST:



Hannah Driskell, Town Clerk

I, Hannah Driskell, Clerk of the Town of Magnolia Springs, Alabama, hereby certify that no newspaper is published in the Town of Magnolia Springs and that the above-noted ordinance was published by posting copies thereof at the Mayor's Office in the Town Hall, Magnolia Springs Post Office, and United Bank beginning August 24, 2022 and became in full force and effect five (5) days thereafter.



Hannah Driskell, Town Clerk