CHAPTER 14:
ZONING ADMINISTRATION

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Section 14.1 Zoning Administrator

The various provisions of this Unified Development Ordinance shall be administered by the Zoning Administrator and designated Planning Department. The Zoning Administrator may appoint any person in this Department to assume his duties. It shall be the duty of the Zoning Administrator to carry out and enforce this Ordinance, remedy violations of this Ordinance, and issue permits in compliance with this Ordinance.

Section 14.2 Zoning Permits

14.2.1 Zoning Permit Required
A. No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a Zoning Permit is issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this Ordinance. No Building Permit shall be issued and no building shall be occupied until that Permit is issued.

B. The Zoning Administrator shall collect such fees for the issuance of Zoning Permits as are authorized by the fee schedule as adopted by the Town Council.

C. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action as authorized by the Permit is commenced within 180 days of issuance and provided that all other permits are obtained. Otherwise the Permit shall be void.

14.2.2 Application Procedures
A. Each application for a Zoning Permit shall be accompanied by a plan drawn to scale including the following information:
   - The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
   - The location of the said lot with respect to adjacent rights-of-way;
   - The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
   - The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
   - The location and dimensions of parking and driveways; and
   - Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

B. Those developments that require Planning Board or Town Council approval shall be subject to the approval process and submittal requirements of Chapters 9 and 10 prior the issuance of a Zoning Permit.

14.2.3 Conditions of Approval
Zoning permits issued on the basis of an application and plan approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved applications and plans. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Section 14.4 of this Ordinance.
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14.2.4 Right of Appeal
If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within 30 days of such permit denial.

14.2.5 Expiration of Zoning Permit
Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

14.2.6 Records Maintained
The Zoning Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.

14.2.7 Zoning Permit Not Required
Not withstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- Street construction or repair
- Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- Specific signs exempted in Chapter 11 of this Ordinance
- Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses
- Interior alterations and renovations which do not alter the footprint, elevation, or height of an otherwise conforming use and/or structure

Section 14.3 Certificate of Occupancy

14.3.1 Final Zoning Inspection
The Zoning Administrator shall conduct a final zoning inspection of any new or expanded structure (except single-family residential uses) prior to the issuance of a certificate of occupancy by the Rowan County Building Inspector. During the final zoning inspection, the Zoning Administrator shall ensure that all minimum requirements and conditions of approval have been met and that the project matches the approved site plan.

14.3.2 Certificate of Occupancy Required
No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of occupancy has been issued by the Rowan County Building Inspector. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Rowan County Building Inspector and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

14.3.3 Temporary Certificate of Occupancy
A temporary certificate of occupancy shall not be issued for any structure or development that has not yet met all minimum requirements and conditions of approval. A temporary certificate of occupancy may only be issued for projects that have landscaping requirements and the weather is not suitable for the installation of such landscaping. A temporary certificate of occupancy shall expire after a period of 3 months. A final certificate of occupancy shall not be issued until such landscaping is installed.

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Section 14.4 Penalties

In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction or other appropriate action to prevent such violation may be instituted by the Zoning Administrator, the Rowan County Building Inspector, any other appropriate Town authority; or any person who may be damaged by such violation.

14.4.1 Criminal

Any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed 500 dollars and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within 10 days of receipt of the warning citation as provided in Subsection G herein.

14.4.2 Equitable Remedy

The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator’s application for equitable relief that there are other remedies provided under general law or this Ordinance.

14.4.3 Injunction

Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

14.4.4 Order of Abatement

In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

- Buildings or other structures on the property be closed, demolished, or removed;
- Fixtures, furniture or other moveable property be moved or removed entirely;
- Improvements, alterations, modifications or repairs be made; or
- Any other action be taken that is necessary to bring the property into compliance with this Ordinance.

14.4.5 Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic’s and material man’s lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant’s full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.
14.4.6 Stop Work Order Issuance and Revocation of Permits
A. Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Ordinance, the Zoning Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

B. The Zoning Administrator may revoke any permit by written notification to the permit holder when violations of this Ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit has been mistakenly issued in violation of this Ordinance.

14.4.7 Civil Penalty
A. In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to NCGS 160A-175, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

B. Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Planning Board. Once the 10 day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

C. The following penalties are hereby established:

<table>
<thead>
<tr>
<th>Citation</th>
<th>Civil Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warning</td>
<td>Correct Violation within 10 days</td>
</tr>
<tr>
<td>First</td>
<td>$50.00</td>
</tr>
<tr>
<td>Second</td>
<td>$100.00</td>
</tr>
<tr>
<td>Third and Subsequent</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

D. If the offender fails to pay the civil penalties within five (5) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.