

ARTICLE III

ADMINISTRATION, ENFORCEMENT AND APPEALS (amended 1 March 2021)

Section 300. Duties of the Zoning Administrator

All questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator who shall be responsible for the day to day administration of this Ordinance. The Board of Adjustment shall have the authority to rule on matters of interpretation of this Ordinance, consider appeals from decisions of the Zoning Administrator, issue **special** use permits, and grant variances. Any appeal from a decision of the Board of Adjustment shall be to the courts and provided by law. The duties of the Board of Alderman in connection with the Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as herein set out in this Ordinance. The duties of the Board of Alderman in connection with this Ordinance shall be the duty of considering and passing upon the initial Ordinance and any proposed amendments or repeal of this Ordinance as provided by law, after receiving recommendations from the Planning Board. (amended 1 March 2021)

Section 301. Zoning Administrator.

The Town Manager shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Ordinance.

301.01.Violations. If the Zoning Administrator finds that any of the provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal building or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 302. Zoning Permit Required.

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building permit be issued, nor shall any change in the use of any building or land be made, until a zoning permit or **special** use permit has been issued **in writing**. No zoning permit or **special** use permit shall be issued except in conformity with the provisions of this Ordinance. **An application for a zoning or special use permit may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a permit for such development as is authorized by the easement. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by zoning or special use permits made**

pursuant to this ordinance attach to and run with the land. Approval or denial of a zoning permit application shall be provided in writing by personal delivery, electronic mail, or first-class mail to the applicant. Zoning and special use permits are valid for 12 months. (*amended 1 March 2021*)

302.01. Applications for Zoning permit. All applications for zoning permits shall be accompanied by plans showing the actual dimensions of the plot to be built upon, the location on the lot of the building or structure proposed to be erected or altered, a copy of the owner's deed, and such other information as may be necessary to provide for the enforcement of this Ordinance.

302.02 Revocation of permit. Zoning and special use permits may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same development review and approval process required for issuance of the permit, including any required notice or hearing, in the review and approval of any revocation of that approval. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a permit by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by the Town pursuant to this ordinance, the provisions of G.S. 160D-405(e) regarding stays apply.

302.03 Permit Choice. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies. (*added 1 March 2021*)

Section 303. Building Permit Required.

Upon receiving a zoning permit, a building permit shall be obtained as provided by State law.

Section 304. Construction Progress.

If no construction progress has been made within six (6) months after the issuance of the zoning permit, the permit becomes invalid. Construction progress shall mean calling for an inspection. The six month time period shall commence on the date of the previous inspection. If the next inspection has not been called for within six (6) months, then the permit becomes invalid and inspection fees are forfeited. An extension of up to six (6) months may be granted by the Town

Manager or his designee if substantial progress has been made. New exterior construction must be completed within two (2) years after the issuance of the building permit.

Section 305. Compliance.

In case any building is erected, constructed, altered, repaired, or maintained, or any building or land is used in violation of this Ordinance, the Town, in addition to other remedies, may institute an action for injunction to prevent such violation.

Section 306. Appeal from the Zoning Administrator.

All questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator, and such questions shall be presented to the Board of Adjustment only on appeal from a ruling of the Zoning Administrator. Any order, requirement, decision or determination made by the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedure found in Section 406 of this Ordinance.

Section 307. Fees

Reasonable fees sufficient to cover the costs of administration, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, **special** use permits, subdivision plat approval, zoning amendments, variances, and other administrative relief. The amount of fees charged shall be set forth in the Town's budget and can be found in the 'Schedule of Fees'. (*amended 1 March 2021*)