

## CHAPTER 14: ZONING ADMINISTRATION

### SECTION 14.1: ZONING ADMINISTRATOR

The various provisions of the Town of Cornelius Land Development Code shall be administered by the Town of Cornelius Planning Department under the primary direction of the Planning Director. The Zoning Administrator shall be any person in this Department who has been appointed by the Planning Director to assume such duties.

### SECTION 14.2: ZONING PERMIT

No building, sign, or other structure (except as otherwise provided for in this Code) shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building, or change in use be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Board.

Nothing in this Code shall require any change in the plans, construction, or designed use of any building or structure for which a zoning permit was secured prior to the adoption of this Code, providing the zoning permit remains valid.

A. Expiration of Zoning Permit

Any zoning permit issued in accordance with this Code 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.

B. Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Code and shall be punishable as indicated under Section 14.6, Penalties.

C. Zoning Permit Not Required

Notwithstanding any other provisions of this Code, no zoning permit is necessary for the following uses:

1. Street repair
2. Specific signs exempted in Chapter 10 of this Ordinance
3. Mailboxes, newspaper boxes, fences, birdhouses, flag poles, pump covers, and doghouses

### SECTION 14.3: CERTIFICATE OF OCCUPANCY

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 Mecklenburg County Land Use and Environmental Services Agency. 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 Code.



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### SECTION 14.4: RIGHT OF APPEAL

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Planning Board in accordance with Section 16.5.2, Appeals of Administrative decisions.

### SECTION 14.5: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator who shall properly record such complaint, immediately investigate, and take action as provided by this Code.

### SECTION 14.6: PENALTIES

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

#### A. Criminal

Any person, firm, or corporation convicted of violating the provisions of this Code shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed \$500 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 Code is not corrected within ten (10) days of receipt of the warning citation as provided in Subsection G herein.

#### B. 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 Code.

#### C. Injunction

Enforcement of the provisions of this Code 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.

#### D. 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:

1. Buildings or other structures on the property be closed, demolished, or removed; or
2. Fixtures, furniture, or other moveable property be moved or removed entirely; or



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3. Improvements, alterations, modifications, or repairs be made; or
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

### E. 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.

### F. Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Code, 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.

The Zoning Administrator may revoke a zoning permit by written notification to the permit holder when violations of this Code 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 Code, or a permit has been mistakenly issued in violation of this Code.

### G. Civil Penalty

In addition to the other remedies cited in this Code for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this Code may be enforced through the issuance of civil penalties by the Zoning Administrator.

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 ten-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.



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The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days
First Citation	\$100.00
Second Citation (For Same Offense)	\$200.00
Third and Subsequent (Citations for Same Offense)	\$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

