

**Article XV**  
**Administrative and Legal Provisions**

Section 1. Administration of the Zoning Ordinance

The zoning enforcement officer of Town of Ramseur is hereby authorized, and it shall be his duty, to administer and enforce the provisions of this ordinance. Appeal from a decision of the zoning enforcement officer may be made to the Board of Adjustment as provided in Article XIV.

Section 2. Zoning Permits

Before commencing the construction, erection, repair, alteration, addition to, removal, moving or demolishing of any building or structure or part thereof, or before commencing any excavation for such building or structure, or before erecting, repairing or repainting any sign (except where specifically authorized by this ordinance), a zoning permit for the same shall be secured from the zoning enforcement officer.

The enforcement officer shall not issue a zoning permit unless the plans, specifications, and intended use of such buildings, structure, land or part thereof conform in all respects to the provisions of this ordinance. The application for a zoning permit shall be accompanied by Plot Plans showing:

- a) The actual dimensions of the lot to be built upon;
- b) The size of the building to be erected;
- c) The location of the building on the lot;
- d) The location of existing structures on the lot, if any;
- e) The number of dwelling units the building is designed to accommodate;
- f) The approximate setback lines of buildings on adjoining lots; and
- g) Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year.

Effective August 12, 1993, a zoning permit is required for all new improvements.

Section 3. Certificate of Compliance Required

Under the Randolph County centralized permitting system, the County Inspections department must issue a certificate of compliance before occupancy or use of:

- a) A building hereafter erected, altered or moved.
- b) A change of use of any building or land.

A certificate of compliance shall be issued after the erection or structural alterations to a building are completed in conformity with the provisions of this ordinance. A certificate of compliance certifies that the structure(s) comply with applicable provisions of the zoning ordinance and meet all applicable state code requirements. If the certificate of compliance is denied, the county Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. Record of all certificates issued for the Town of Ramseur are kept on file in the county Inspections Department and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 4. Determination of Exact Location of Zoning District Boundary Lines

The zoning enforcement officer shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on zoning maps, subject to administrative review by the Board. The determination of the exact location of a zoning district's boundary line shall be guided by the provisions of Article IV, Section 3.

Section 5. Changes and Amendments

The Board of Town Commissioners may, on its own motion or upon petition by a resident of the Town or the Planning Board, after public notice and hearing, amend, supplement, change, modify or repeal the regulations or maps herein established, subject to the rules and procedures established by law and more specifically established in the following subsections:

- a) Notice of Proposed Text Amendment – No regulation shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which time parties in interest and citizens shall have an opportunity to be heard. The Town Clerk shall give notice of such public hearing once a week for two consecutive calendar weeks in a newspaper of general circulation in the Town of Ramseur. The first such publication shall run not less than 10 or more than 25 days preceding the date set for such public hearing.
- b) Notice of Proposed Map Amendment - In addition to the newspaper notice, owners of the land whose zoning classification is proposed to be changed and owners of all parcels of land abutting that parcel shall be mailed a notice of the proposed classification by first class mail. The Town Clerk or other authorized person mailing such notices shall certify to the Town Board of Commissioners that such notice has been given. (Note see G.S. 160A-384(b) for exceptions to this notice provision when large areas of the municipality are affected.)

The Town shall also post a sign on the affected property or on an adjacent public street or highway right of way giving notice of the proposed zoning classification change. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town of Ramseur shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be posted a minimum of two weeks before the date of the public hearing and state the time, date, and place of the hearing and proposed classification change.

- c) The Planning Board and Board of Town Commissioners shall sit jointly at a public hearing at which time interested parties shall speak. Following the hearing the Planning Board shall provide its recommendations to the Board of Commissioners regarding the proposed amendment. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the Town of Ramseur's Land Development Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses Plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Plan shall not preclude consideration or approval of the proposed amendment by the Town Board of Commissioners. If no written report is received from the Planning Board within 30 days from the date of the hearing, the Board of Town Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Town Commissioners is not bound by the recommendations, if any, of the Planning Board. Prior to adopting or rejecting any zoning amendment, the Board of Town Commissioners shall adopt a statement describing whether its action is consistent the Town of Ramseur's Land Development Plan and explaining why the Board considers the action taken to be reasonable and in the public interest.
- d) All applications for amending the zoning ordinance or map shall be submitted in duplicate at least 10 days before the regularly scheduled meeting on forms supplied by the Town. In addition, a statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning.
- e) There shall be a fee established by the Town Board of Commissioners payable to the Town of Ramseur for each application for rezoning.
- f) A simple majority vote is required for adoption of an amendment to the Zoning Ordinance. No such proposed change in the zoning ordinance or map if denied by action of the Board of Town Commissioners may be resubmitted within a period of one (1) year from the date of such denial by the Board, unless the Board shall unanimously find that changing conditions in the area or new information concerning the property requested for rezoning warrant a resubmission for change in the zoning ordinance or map.
- g) Protest Petitions
  - i. In the case of a protest against a proposed map amendment the amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Board of Commissioners. For the purposes of this subsection, vacant positions on the Town Board and members who are excused from voting shall not be considered "members of council" for calculation of the requisite supermajority.
  - ii. To qualify as a protest under this section, the petition must be signed by owners of either 20% or more of the lots included in a proposed change, or 5% of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet

wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 10-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town of Ramseur may rely on the Randolph County tax listing to determine the “owners” of potentially qualifying areas.

- iii. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
  - iv. No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town clerk in sufficient time to allow the Town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set for the in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.
- h) A Town Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

#### Section 6. Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this ordinance the provisions shall be held to the minimum requirements for the promotion of the public safety, health convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

#### Section 7. Separability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or district boundary of this ordinance and/or the Zoning Map which is a part of this ordinance herein or

hereafter adopted be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of these regulations and the Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Board of Town Commissioners hereby declares that it would have adopted this ordinance and Zoning Map, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, phrases, or district boundaries be declared unconstitutional or invalid.

Section 8. Penalty

A violation of this ordinance shall be turned over to the town attorney for prosecution.

- a) If any person shall violate any provision of this Ordinance he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days, as provided by N.C.G.S. 14-4. Each calendar day during which a violation continues shall constitute a separate offense.
- b) Pursuant to the provisions of N.C.G.S. 160A-175(c), any person violating any provision of this section of the Zoning Ordinance may be subject to a civil penalty. Each day's violation shall be treated as a separate offense.
- c) Pursuant to the provisions of N.C.G.S. 160A-175(c), the Town may file a civil action to recover said penalty if the offender does not pay said penalty.
- d) Pursuant to the provisions of N.C.G.S. 160A-175(d), the Town may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the Town, including but not limited to civil damages resulting from violation of this section of the Zoning Ordinance.
- e) Pursuant to the provisions of N.C.G.S. 160A-175(e), the Town may seek an injunction when, in the judgment of Town, the facility is creating an imminent hazard to the health, safety, and welfare of the public.

Section 9: Moratoria

As provided in this subsection, the Town of Ramseur may adopt temporary moratoria on any city development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which

substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the city prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the city prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- a) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the city and why those alternative courses of action were not deemed adequate.
- b) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- c) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- d) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the Town shall have taken all reasonable and feasible steps proposed to be taken by the city in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the city shall have the burden of showing compliance with the procedural requirements of this subsection.

#### Section 10. Effective Date

This ordinance shall take effect from and after the date of its adoption by the Board of Town Commissioners. Date of adoption: \_\_\_\_\_