

ARTICLE 1

GENERAL PROVISIONS

Summary: This Article provides an introduction to the structure and the legal framework of the Concord Development Ordinance (the “CDO”). The CDO combines the zoning and subdivision authority of the City into one document. This Section recites applicable statutory authority, the applicability of the CDO to various uses and geographic areas of the City and its incorporated areas, consistency with the Area Plans (the Land Use Plan), coordination with other regulations, the effective date, violations, and related matters.

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1.1 GENERAL PROVISIONS

1.1.1 TITLE.

This Ordinance shall be known and may be cited as the Concord Development Ordinance (hereinafter "the Ordinance"). This Ordinance may also be known and may be referred to as the "CDO."

1.1.2 PURPOSE.

The Ordinance enables the City to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of residents. The City is also working towards unified development goals that promote the welfare of the entire region, while providing uniformity, certainty, and predictability for persons subject to this Ordinance. This Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance. Specifically, the purposes of this Ordinance are described in subsections 1.1.3 through 1.1.4 of this Section.

1.1.3 ZONING REGULATIONS.

- A. Zoning regulations are included in Articles 4, 6 and 7 through 13. Pursuant to NCGS § 160D- 101-111 and 201-204 et seq., the power of zoning is exercised in order to implement the *Comprehensive Land Use Plan*, and to:
1. Lessen congestion in the streets;
 2. Secure safety from fire, panic, and other dangers;
 3. Promote health and the general welfare;
 4. Provide adequate light and air;
 5. Prevent the overcrowding of land;
 6. Avoid undue concentration of population;
 7. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 8. Protect and/or to enhance the character of each *zoning district* and its peculiar suitability for particular uses;
 9. Conserve the value of buildings; and
 10. Encourage the most appropriate use of land throughout the planning areas.

1.1.4 SUBDIVISION REGULATIONS.

- A. Subdivision regulations are included in Article 5. Pursuant to NCGS § 160D-804, the power of subdivision control is exercised in order to:
1. Implement the *Comprehensive Land Use Plan* for the City;
 2. Provide for the orderly growth and development of the City and for the efficient use infrastructure and resources (land, water, roads, etc.);
 3. Provide for the coordination of *streets* and *highways* within proposed *subdivisions* with existing or planned streets and highways and with other public facilities;
 4. Provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area,
 5. Provide for the dedication or reservation of and *rights-of-way* or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS §§ 136-66.10 or NCGS 136-66.11;
 6. Provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding
 7. Provide for the distribution of population and traffic that will enhance public health, safety, and the general welfare;
 8. Provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines;
 9. Provide for the more orderly development of *subdivisions* by requiring the construction of community service facilities in accordance with municipal or county policies and standards and, to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance;
 10. Provide for the reservation of school sites in accordance with Comprehensive Land Use Plans approved by the City and/or Cabarrus County School Board.
 11. Require the preparation and recording of a *plat* whenever any subdivision of land takes place;

12. Provide that a developer may offer funds for the City to acquire recreational land to serve the development or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area; and
13. Provide that, in lieu of required street construction, a developer may be required to provide funds for the City to construct roads that serve the neighborhood and these funds may be used for roads which serve more than neighborhood within the area.

1.1.5 AUTHORITY.

The City is authorized by the North Carolina General Statutes (“NCGS”) to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building including but not limited to, enacting ordinances, procedures and fee schedules related to the administration and enforcement of development regulations. The City through the CDO intends to use all powers provided by virtue of NCGS § 160D-101-111 and 201-204 . The CDO also uses specific powers granted in other Sections of the NCGS relating to particular types of development or particular development issues, including but not limited to right-of-way preservation, sedimentation control, watershed protection, historic preservation, and beautification and urban design.

1.1.6 APPLICABILITY.

- A. The Ordinance shall apply to all public buildings and private land(s), and use(s) thereon over which the City has jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within the jurisdiction of the City pursuant to NCGS § 160D 101-111 and 201-204.
- B. Pursuant to NCGS § 160D-913, each provision of this CDO is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. The Planning and Neighborhood Development Department (hereinafter known as the "Department") of the City can be contacted for further information about the use of this Ordinance.
- C. The Official Zoning Map of the City of Concord, North Carolina and all notations, references, and other information shown on the map are hereby incorporated and made a part of this Ordinance.
- D. See Section 2.1.2 relative to the establishment of the “Administrator.”

1.1.7 BUILDING AND LAND USE.

The use of buildings and land within the City shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

1.1.8 PERMITS AND CERTIFICATES.

No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the appropriate officials.

1.1.9 FEES.

The City Council may establish any fees necessary to support, administer, and implement development regulation in accordance with this Ordinance. These fees shall be reasonable and all fees collected will be used for the previously mentioned purposes. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid.

1.1.10. SEVERABILITY.

It is hereby declared to be the intent of the City Council that the provisions of this Ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Ordinance as a whole or any other part thereof, but the rest of the Ordinance shall continue in full force and effect.

1.1.11. PUBLIC LANDS AND PUBLIC ENTERPRISES.

Pursuant to NCGS § 160D-913, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State.

1.1.12. OTHER PLANS, ORDINANCES AND MANUALS ADOPTED BY REFERENCE

This Ordinance also includes the following technical publications all adopted by reference: the Technical Standards Manual, NCDENR Stormwater BMP Manual, Water System Master Plan, the Wastewater System Master Plan and the Concord Development Ordinance. It is the intent of the City to administer this Ordinance in accordance with these supplemental plans and manuals.

1.2 CONSISTENCY WITH COMPREHENSIVE PLAN

1.2.1 GENERALLY

Pursuant to NCGS § 160D-604(d) et seq., this Ordinance is intended to implement the goals, objectives, and policies of the Comprehensive Plan (also known as “Land Use Plan”, which may be used interchangeably within this Ordinance) along with related area and corridor plans. Any amendments to, or actions pursuant to the Ordinance shall be consistent with the applicable Land Use Plan. The Land Use Plan may be amended, and the CDO will reflect those amendments. Plans adopted under the Comprehensive Plan shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations and commenting on plan consistency as required by NCGS § 160D-604 et seq.

1.2.2 COMPREHENSIVE PLAN DEFINED.

The following elements or volumes are components of the Comprehensive Plan:

- A. **Land Use Plan.** This plan presents the City’s declaration of its official policy with regard to the form and pattern of future development. It directs growth by serving as a reference guide when considering rezoning, annexation, subdivisions, and site plans. The plan also is used to direct provision of public infrastructure and aid decisions for private sector investment. Included within the Land Use Plan are several smaller “Area Plans” which serve as amendments or extensions to the official Land Use Plan. Such Area Plans include, but are not limited to: the Center City Plan and the Downtown Master Plan, Warren C. Coleman and Concord Parkway Plan, Concord Parkway Roberta Church Road Plan
- B. **Parks, Greenways, and Bikeways Master Plan (Livable Communities Blueprint for Cabarrus County).** This plan addresses the enhancement and future implementation of a system of parks, greenways, and bikeways to meet future recreation and transportation needs of local residents.
- C. **Long Range Transportation Plan.** This plan sets forth the City’s overall objectives and strategies regarding both long-term and short-term planning of roadways, bicycle facilities, pedestrian facilities, and transit.
- D. **Open Space and Connectivity Analysis.** This plan identifies feasible, constructible bicycle and pedestrian routes along stream corridors, through open spaces, and along roads to create a more connected City.

1.2.3 AMENDMENTS TO TEXT.

Any amendment to the CDO must conform to the goals of the Land Use Plan. Any amendment to the zoning map must be consistent with the future land use map contained in the Land Use Plan and/or the purpose statement for the zoning district.

1.2.4 AMENDMENTS TO LAND USE PLAN.

A. Initiation

1. **Initiation by a Director of a City Department.** The Director of any City department may initiate an amendment to the Land Use Plan at any time.
2. **Initiation by Decision-Making or Review Body.** Any decision-making body may, at any time on their own motion, request that a Director of a City department investigate and evaluate a specific amendment proposal. The Administrator shall submit, within a reasonable time, a report and recommendation to the City Manager for consideration by the City Council regarding whether or not City Council and the Planning & Zoning Commission should review the proposed amendment at this time. Upon receiving the report and recommendation of the Administrator, the City Council shall determine whether or not the proposed amendment should proceed.
3. **Initiation by Applicant for Zoning Map Amendment.** A petition for zoning map amendment in contradiction to the Land Use Plan shall be treated as a petition for amendment to the Land Use Plan as well as an amendment to the Zoning Map, and may be processed as concurrent applications. Final approval for any zoning map amendment in contradiction to the Land Use Plan (and the resultant amendment to the Plan) shall be by City Council.
4. **Schedule.** The City Council may consider updates to the Land Use Plan at any regularly scheduled meeting.

B. Procedure.

1. **Pre-Application Conference, Applications.** The applicant shall meet with the Administrator to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for filing an application. The application process and filing dates shall follow the same procedure as outlined for zoning amendments in Article 3 of this Ordinance.
2. **Recommendation by the Planning & Zoning Commission.** The Commission shall provide a recommendation to the City Council on each proposed amendment to the Land Use Plan. When a joint Zoning Map Amendment - Land Use Plan Amendment is requested, the process shall be in accordance with Section 1.2.4.A.3.
3. **Public Hearings and Public Notice.** For those applications for amendment to the Land Use Plan that are not concurrent with a zoning amendment, the City Council shall hold a hearing in no more than 60 days from the date the Planning & Zoning Commission adopts its recommendation(s) on the Comprehensive Land Use Plan amendment. Comments by the Planning & Zoning Commission that a proposed

amendment is inconsistent with the Land Use Plan shall not preclude the City Council from considering or approving any proposed amendment. Notice of the hearings shall be provided and the hearings shall be conducted in accordance with general provisions of Section 1.6.

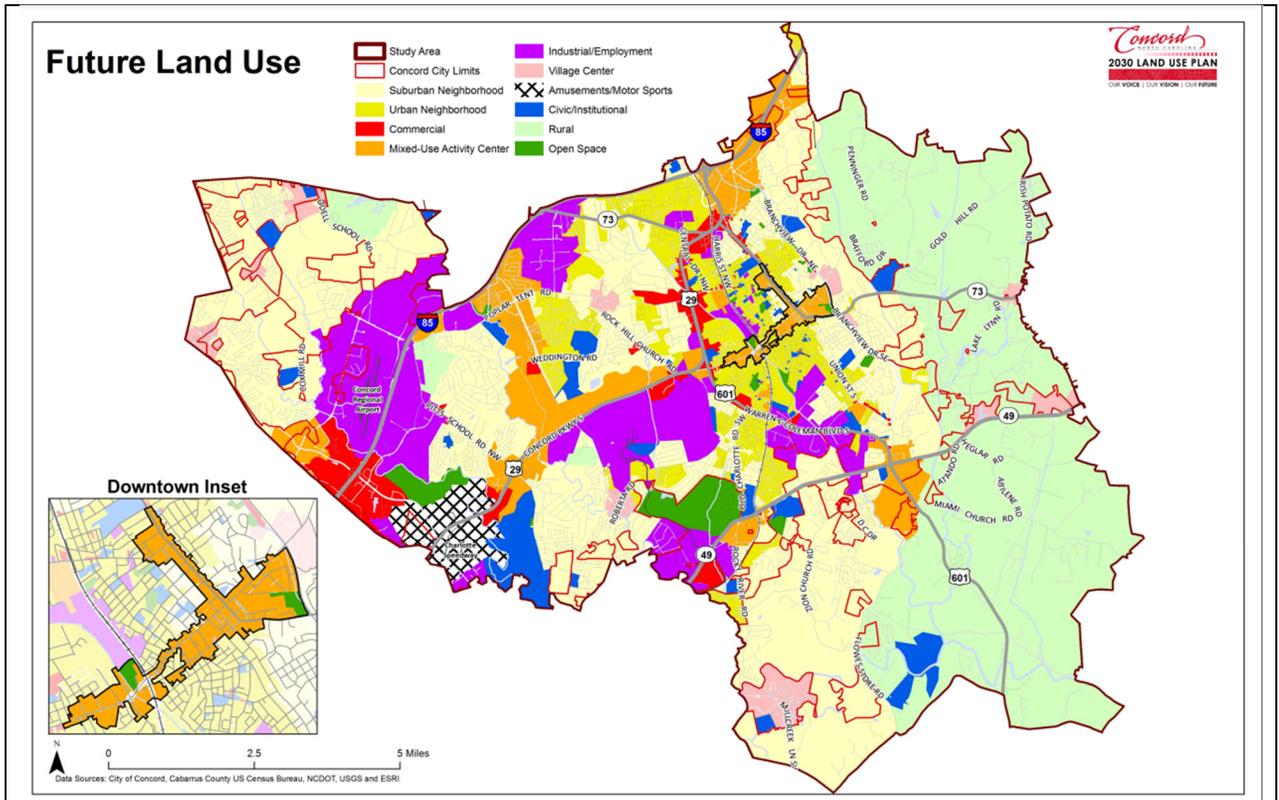
4. **Approval by Simple Majority.** A plan amendment approval may be approved by a simple majority of the City Council.
5. **Standards of Review.** Proposals to amend the Land Use Plan shall be evaluated based upon whether the amendment is necessary in order to address conditions, including, but not limited to the following:
 - A. A correction to the Land Use Plan due to an inconsistency with the underlying zoning;
 - B. A boundary change of a particular land use resulting from a small area plan study or district plan;
 - C. A correction to the Land Use Map that matches the parcel boundary for a particular use;
 - D. A change in projections or assumptions from those on which the Land Use Plan is based;
 - E. Identification of new issues, needs, or opportunities that are not adequately addressed in the Land Use Plan;
 - F. A change in the policies, objectives, principles, or standards governing the physical development of the City or any other geographic areas addressed by the Land Use Plan; or
 - G. Identification of errors or omissions in the Land Use Plan.

The cumulative impact of recent Land Use Plan or zoning map amendments shall expressly be considered by the Planning & Zoning Commission during review of any proposed plan amendment.

1.2.5 REGULAR REVIEW OF THE LAND USE PLAN

- A. The Land Use Plan shall be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding City growth and to determine whether or not the Plan continues to meet the long-term planning needs of the City. The Planning and Neighborhood Development Director shall initiate this review, assisted as necessary by the directors of other City departments. As part of this review, the Director shall provide the Planning and Zoning Commission with an overall assessment of the adequacy and effectiveness of the existing Plan, including identification of new issues not adequately addressed by the Plan, issues which require further study and investigation, and suggested improvements. The Planning and Zoning Commission shall consider the staff assessment and shall recommend Plan amendments or issues that the Commission feels should be pursued or investigated. The Commission shall then forward its recommendations, if any, along with the staff report, to the City Council for consideration.
- B. The City Council shall consider the recommendations of the Planning and Zoning Commission and the staff report and shall determine whether issues exist that merit further investigation or an amendment to the Plan. The

Director shall then initiate the investigation of any issues or amendments as requested by Council. Any amendments shall be initiated in accordance with the provisions of Section 1.2.4



1.3

INTERPRETATION OF THE PROVISIONS OF THIS ORDINANCE

1.3.1 INTERPRETATION AND APPLICATION OF PROVISIONS.

The provisions of this Ordinance are the basic and minimum requirements for the protection of public health, safety, and welfare. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control. The meaning of any and all words, terms or phrases in this Ordinance may be found in Article 14; and if not defined therein shall have the ordinary meaning found in any modern dictionary.

1.3.2 TEXT CONTROLS OVER GRAPHICS.

This Ordinance contains numerous graphics, pictures, illustrations, and drawings. However, text of this Ordinance shall control unless otherwise provided in the specific section.

1.3.3 APPEAL.

An appeal of a decision of the Administrator shall be to the Board of Adjustment in accordance with Section 2.1.3 of this Ordinance. Appeals shall be brought within thirty days of mailing or hand delivery of the Administrator's written decision to the party requesting the interpretation. Interpretations shall be mailed by registered or certified mail or delivered in person to the interested parties.

1.4 EFFECTIVE DATE

1.4.1 SCOPE.

This Ordinance shall become enforceable and shall take effect when it is codified, filed and indexed in accordance with NCGS §§ 160D-601. Unless clearly subordinated to another ordinance, regulation, resolution, or express policy, this Zoning Ordinance shall, on the effective date, prevail over any such conflicting or inconsistent ordinance, regulation, resolution, or express policy to the extent necessary to give this Zoning Ordinance full force and effect. The prior City of Concord Zoning Ordinance and Subdivision Regulations are hereby repealed except to the extent whereby continuing activities or violations regulated by previous ordinances are being administered. As set forth in Section 13.2, the provisions of this CDO shall not apply to a validly approved and currently effective site specific development plan.

1.5 VIOLATIONS OF THIS ORDINANCE

1.5.1 APPLICABILITY.

- A. Unless otherwise specified in other sections of this Ordinance, this Section shall set forth penalties and remedies for violations of this Ordinance.
- B. An appeal of a violation or decision of the Administrator, shall be to the Board of Adjustment in accordance with Sections 2.2 and 6.3 of this Ordinance.

1.5.2. TYPES OF VIOLATIONS.

Any of the following shall be a violation of this Ordinance and subject to the remedies and penalties provided for in this Ordinance:

- A. To place any use, structure, or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- B. It is a Class I misdemeanor to subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of an unapproved plat. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The City may bring an action for injunction of:
 - 1. Any illegal subdivision
 - 2. Transfer of land
 - 3. Conveyance of land
 - 4. Sale of land
- C. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Ordinance. This section is not intended to address legal nonconforming uses or structures. Article 13 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.
- D. To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- E. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

- F. To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
- G. To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
- H. To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.
- I. To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.
- J. To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission, or other authorization has lapsed. This section is not intended to address legal nonconforming uses or structures. Article 13 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.
- K. To otherwise undertake any development or to establish any use in a manner which does not comply with this Ordinance.

1.5.3. CONTINUING VIOLATIONS.

- A. Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance. A violation of any section of this Ordinance is one violation. A separate fine may be assessed for each section violated.
- B. Any violation of the zoning, subdivision, flood prevention, sedimentation, and erosion control ordinances in effect prior to the adoption of this Ordinance shall continue to be a violation under this Ordinance, and is subject to penalties and enforcement under this Section 1.5, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.
- C. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

1.5.4. CIVIL REMEDIES AND ENFORCEMENT POWERS.

Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used by administer to enforce this Ordinance:

- A. **Withhold Permit.** The administrator may withhold all permits or approvals if there is:

1. A repeat violation of this Ordinance as set forth in Section 1.5.5.2; or
 2. There is a condition or qualification of approval granted by the Planning and Zoning Commission, the Board of Adjustment, the Historic Preservation Commission or the City Council that has not been met.
 3. The Administrator may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected repeat violation of this Ordinance. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.
- B. Revoke Permits.** Any Development Permit or other form of authorization required under this Ordinance may be revoked for any reason set forth in § 1.5.2 and in NCGS § 160D-403(f) et seq. Permit revocation or any other form of revoking development approval shall be the responsibility of the issuing party or commission/board and shall follow the same process as was used for approval. The revocation hearing (if required) shall be conducted in accordance with Sections 6.2 and 6.3 of this Ordinance.
- C. Stop Work.** With or without revoking permits, the Administrator or Code Enforcement Officers may stop work on any land or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to NCGS § 160D-404(b) et seq. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed.
- D. Revoke Plan or Other Approval.** Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Administrator may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan approval pursuant to G.S. 160D-403(f). If the plan was issued or approved at a public hearing, the Administrator shall schedule the hearing for revocation for the next available public hearing of the appropriate commission/board. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- E. Injunction and Abatement.** This CDO may be enforced by any means or any remedy provided for in NCGS § 160D-404(c). An action for injunction of any illegal subdivision, transfer, conveyance, or sale of land may be prosecuted by the Administrator or designee pursuant to NCGS § 160D-807.
- F. Other Remedies.** The Administrator, City Council, Planning and Zoning Commission and the Board of Adjustment shall have such other remedies as are, and as may be from time to time, provided by North Carolina law for the violation of zoning, subdivision, sign or related Ordinance provisions included but not limited to civil penalties, fines, court ordered actions, and criminal prosecution.

1.5.5. PENALTIES FOR VIOLATION.

- A. **First Offense.** Any violation occurring once within a 36-month period shall be considered a first offense. A notice of violation shall be issued by the Code Enforcement Unit of the Police Dept. and shall provide for a seven (7) day warning period. Upon the expiration of the seven (7) day warning period, the violator shall be subject to a civil penalty of \$100.00 for each day for each violation that the violation remains on the property. Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance. Should a violation continue to exist by the twenty-first (21st) day of the original notification, the City shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in Section 1.5.4.
- B. **Repeat Offense.** Any violation of reoccurring on the same property by the same violator more than once within a 36-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Code Enforcement Officers and shall have an immediate civil penalty of \$300.00. Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance, therefore each day the repeat violation remains, the violator shall be subject to a civil penalty of \$300.00. Should a violation continue to exist by the seventh (7th) day of the original notification, the City shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in Section 1.5.4.
- C. **Notices of Violation.** Notices of Violation (NOVs) shall be issued in conformance with statutory procedures and will be delivered to the permittee and landowner if different; may be delivered to the property occupant or person undertaking the activity; shall be delivered by hand, email, or first-class mail; and may be posted onsite. The Administrator shall certify the NOV and place in the case file.

1.5.6. OTHER POWERS.

In addition to the enforcement powers specified in this Section, the City Council may exercise any and all enforcement powers granted by North Carolina law.

1.5.7. REMEDIES CUMULATIVE.

The remedies and enforcement powers established in this Article shall be cumulative, and the City may exercise them in any order.

1.5.8 ENFORCEMENT PROCEDURES.

- A. Non-Emergency Matters.** In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Code Enforcement Officers shall give notice of the nature of the violation to the property owner or any applicant for any relevant permit in the manner hereafter stated as prescribed in Sections 1.5.5.C. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the City that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123, 160D-1206, or otherwise provided by law, a notice of violation may be appealed to the Board of Adjustment pursuant to G.S. 160D-405.
- B. Emergency Matters.** In the case of violations of this Ordinance that constitute an emergency situation resulting in an immediate threat to the health, or safety of the public, or violations that will create increased problems or costs to the public for the provision of City services if not remedied immediately, the Code Enforcement Officers may use the enforcement powers available under this Article without prior notice, but the Code Enforcement Officer(s) shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who can be contacted and has an identifiable relationship to the violation and/or owner.

1.6 GENERAL PROCEDURAL REQUIREMENTS

The City shall provide notice for all zoning map amendments, special use permits, and Historic Preservation and Board of Adjustment items as set forth in NCGS § 160D-601 and 602 et seq., consisting of at least first-class mailed notice to immediate neighbors, properties separated from the subject property by street, railroad, or other transportation corridor, and other parties that have expressed an interest in the project, and a notice prominently posted on the site, or expanded public notice in the event that the zoning comprises more than 50 properties owned by at least 50 different property owners. Posted notice shall be given from twenty-five (25) days prior to the hearing until ten (10) days prior to the hearing.

In accordance with NCGS § 160D-406(b) an evidentiary hearing can be continued without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened. If quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no additional notice required.