

**ZONING COMMITTEE  
RECOMMENDATION  
December 27, 2006**

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**Rezoning Petition No. 2006-116**

**Petitioner:** Charlotte Mecklenburg Planning Commission

**Request:** Text amendment to 1) refine the zoning administration and enforcement duties shared between KBU's, 2) update the powers and duties of the Zoning Administrator, Engineering and Property Management, and Neighborhood Development in terms of zoning processes and operations, and 3) add new language regarding the suspension or revocation of a building permit or a certificate of occupancy, as a new enforcement remedy.

**Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this text amendment.

**Vote:**    Yeas:     Carter, Cooksey, Loflin, Ratcliffe, Randolph, and Simmons

              Nays:     None

              Absent:  Sheild

**Summary of Petition**

After the transfer of zoning administration to the City from the County, a number of refinements have been made to duties divided and shared between Key Business Units. This amendment will update the powers and duties of the Zoning Administrator, Engineering and Property Management, and Neighborhood Development in terms of zoning processes and operations, and detail what City and County staff can enforce the ordinance, conduct zoning reviews, and initiate compliance.

New language has been added to detail the process of suspending, revoking, or denying a building permit or a certificate of occupancy:

- Staff is authorized to suspend or revoke a building permit or revoke a certificate of occupancy if it is determined that the permit or certificate of occupancy was issued in error, or on the basis of incorrect information.
- Revocation of a certificate of occupancy or a building permit is also authorized when the site, parcel, building or structure, or any portion thereof, is in violation of any applicable provision of these regulations that would create a public health and safety hazard.
- A building permit or a certificate of occupancy can also be withheld to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving,

maintenance, use or occupancy of the land, project, structure, or building, or to prevent any illegal act, conduct, business, or use in or about the site or premises.

The duties of the Zoning Administrator have been modified to allow the Zoning Administrator to have the same powers to enforce the Zoning Ordinance as is granted to Engineering and Property Management and Neighborhood Development.

### **Zoning Committee Discussion/Rationale**

Mr. MacVean summarized the text amendment and noted that staff has worked with the Building Development Committee and the development community to address their concerns of when a Certificate of Occupancy may be revoked. They were concerned that the language might allow a certificate to be revoked if a tree were to die on a parcel. The revision now only allows a revocation when the violation is related to the public health and/or is a safety hazard. Landscaping that becomes out of compliance would not be a reason to revoke a certificate of occupancy. Mr. MacVean noted that everyone is now satisfied with the language of the text amendment.

### **Statement of Consistency**

Upon a motion made by Carter and seconded by Loflin the Zoning Committee voted unanimously that the text amendment is reasonable and in the public interest.

### **Vote**

**Upon a motion made by Loflin and seconded by Carter, the Zoning Committee voted unanimously to recommend approval of the text amendment.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.