

**ZONING COMMITTEE  
RECOMMENDATION  
October 25, 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 **DEFERRAL** of this text amendment to the November Zoning Committee meeting.

**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:

- A building permit may be revoked or suspended 1) if the permit was issued in error, or on the basis of incorrect information, 2) if the site, lot, building, or structure, or any portion thereof, is in violation of any applicable ordinances and regulations, or 3) any other reason as determined by the appropriate city or county official.
- A certificate of occupancy can only be issued if it has been determined that the site, lot, building, or structure is in compliance with all applicable regulations.

- A certificate of occupancy may be suspended or revoked if it was 1) issued in error, or on the basis of incorrect information, 2) when the site, lot, building or structure, or any portion thereof, is in violation of any applicable ordinances and regulations, or 3) any other reason as determined by the appropriate city or county official.
- 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 asked that this text amendment be deferred until November in order to allow staff to meet with the Building Development Coalition on October 18<sup>th</sup> to receive their input on these regulations.

### **Vote**

**Upon a motion made by Loflin and seconded by Simmons the Zoning Committee voted unanimously to recommend a one-month deferral of this petition.**

### **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.