

**ARTICLE 10**  
**ZONING ADMINISTRATION**

**Section 10.1 Zoning Administrator**

**10.1.1** The Village Council shall appoint an administrative official(s) to enforce and administer this Ordinance.

**10.1.2** It shall be the duty of the Zoning Administrator to interpret and enforce this Ordinance under the general supervision of the Village Council. All decisions of the Zoning Administrator shall be in writing and shall be reported to the Planning Board at their regularly scheduled meetings. Each Zoning Administrator shall have full authority to enforce and administer this Ordinance, except that the Village Council may prescribe a more limited authority in any Zoning Administrator's job description.

**Section 10.2 Zoning Inspection: Duties Specified**

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. The Zoning Administrator shall order discontinuances of illegal uses of land, buildings, or structures, removal of illegal buildings or structures, or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done and shall take any other action authorized by this Ordinance to ensure its compliance or to prevent violation of its provisions. The Zoning Administrator shall keep and maintain records of all matters that require his/her action.

**Section 10.3 Zoning Permit**

It shall be unlawful to commence the excavation or filling of any lot for the construction of a building or structure, or to begin the construction of any building or structure or part thereof, or to erect or replace a sign (except as permitted in Section 8.2) or to move, alter or add to any structure, or to begin the development of land, until the Zoning Administrator has issued a Zoning Permit for such work. No zoning permit shall be issued except in conformity with the provisions of this Ordinance unless after written order from the Board of Adjustment.

For residential uses, alter does not include minor improvements that do not require a permit from Union County. This may include, but is not limited to minor/cosmetic improvements such a painting or replacing a few shingles on a roof.

For non-residential uses, alter does include the change of occupancy, use or tenant in a building. The zoning permit will be required to determine if the use is allowed in the zoning district and ensure provisions of the Zoning Ordinance are being met, including, but not limited to adequate parking.

**10.3.1 Application for a Zoning Permit**

A zoning permit is required for residential, institutional, and commercial uses. A zoning permit application form can be obtained at Village Hall or other location designated by the Village Council, and shall contain the information listed below.

1. Non-Residential Uses - Two (2) copies of a scaled dimensional plan drawn and certified as true and correct by a surveyor or engineer registered with the State of North Carolina which shows:
  - a. The exact shape, dimensions and location of the lot to be built upon.
  - b. The exact shape, dimensions, use and location of existing structures on the land.
  - c. The exact shape, dimensions and location of the structure(s) to be developed upon the lot.

- d. All set back lines on the lot once the proposed construction is completed.
  - e. Proposed parking facilities (if required).
  - f. Landscaping and buffering plans (if required).
  - g. Any other information that may be needed to insure that the proposed building and/or use is in compliance with all applicable provisions of this Ordinance.
2. Single-Family Residences - Two (2) copies of a scaled dimensional survey drawn and certified as true and correct by a surveyor engineer registered with the State of North Carolina which shows:
    - a. The exact shape, dimensions and location of the lot to be built upon.
    - b. The exact shape, dimensions, use and location of existing structures on the lot.
    - c. Upon this survey shall be sketched the following:
      1. The exact shape, dimensions and area of proposed location of the proposed structure(s) to be placed upon the lot;
      2. All setback lines on the lot once the proposed residence is completed, affirmatively showing that the area of proposed location will meet all setback requirements; and
      3. Any other information that may be needed to insure that the residence is being constructed contains ten (10) acres or more, then the person applying for the zoning permit shall not be required to provide a drawing certified by an engineer or surveyor, but shall be allowed to present a non-certified sketch in lieu thereof; provided that the residence is not to be located closer than two hundred (200) feet from any of the boundaries of the tract. In the event that the proposed residence is to be located closer than two hundred (200) feet from any of the boundaries of the tract, then the applicant shall submit a certified survey with respect to those boundaries only. The sketch submitted shall in all other respects comply with the requirements set forth above.
3. Accessory Buildings or in-ground/above-ground swimming pools on residential property and buildings for agricultural purposes - Two (2) copies of a sketch which shows:
    - a. The shape, dimensions and location of the lot to be built upon.
    - b. The shape, dimensions, use and location of existing structures on the lot.
    - c. The shape, dimensions, and location of the accessory or agricultural structure(s) to be placed upon the lot.
    - d. All setback lines on the lot once the proposed accessory building is completed.
    - e. Any other information that may be needed to insure that the proposed accessory structure(s) will be in compliance with all applicable provisions of the Ordinance.
  4. A fee for processing each application for a zoning permit shall be charged by the Village of Marvin. Each structure requires a separate zoning permit application and therefore a separate fee. The fee shall be as established from time to time by resolution of the Village Council, and must be paid by check or cash at the time an application for a zoning permit is received by the Village of Marvin.
  5. If the proposed excavation, filling, or construction as set forth in the application are in conformity with the provision of the Ordinance and the processing fee has been paid, the Zoning Administrator shall issue a zoning permit and return one copy of the approved plan with his/her signature to the applicant. The Zoning Administrator shall mark the plan as approved and attest to the same by his/her signature. The second copy of the plan, similarly marked, and a copy of the zoning permit shall be retained by the Zoning Administrator.

### **10.3.2 Approval Process**

The Zoning Administrator shall review the application, examine the plans and specifications, and may inspect the premises upon which the proposed structure is to be built. A permit shall be issued or denied within ten (10) working days of receipt by the Zoning Administrator of a complete application. Failure to issue a zoning permit shall constitute denial. After obtaining a zoning permit from the Zoning Administrator, the applicant shall apply to Union County for a building permit. All building inspections in the Village of Marvin shall continue to be done by Union County. Zoning permits for conditional uses shall be issued only after the Village Council has approved the final plans.

### **10.3.3 Conditional 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 that differs from that authorized shall be deemed a violation of this Ordinance and is subject to any and all sanctions as indicated under Section 1.5.

### **10.3.4 Denial of Permit**

If the permit is denied, the Zoning Administrator shall specify the reasons for denial in writing and transmit the written denial within five (5) days of his/her decision to the applicant by mail or hand delivery.

### **10.3.5 Expiration of Zoning Permit**

Any zoning permit shall become invalid unless the work authorized by it shall have been substantially begun within a period of six (6) months of the date of issue of the permit. Once a zoning permit has expired, construction work on the lot(s) in question cannot proceed until a new zoning permit is issued.

### **10.3.6 Right of Appeal**

If a request for a zoning permit is denied, the applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment.

Appeal of denial of a zoning permit must be made in writing and must specify the grounds thereof and the Zoning Administrator must receive the appeal within ten (10) days after notice was mailed or hand delivered.

### **10.3.7 Records**

The Zoning Administrator shall maintain a record of all zoning permits on file at his/her office, and copies shall be made available on request to interested parties.

### **10.3.8 Foundation Surveys**

Upon construction of a building foundation (subsequent to the issuance of a zoning permit for that building or structure) the applicant shall be required to submit a copy of the foundation survey of that building or structure to the Zoning Administrator in order to ensure that the foundation is in accordance with all applicable setback and bulk requirements. The foundation survey, in scaled form and which has been certified as being accurate by a surveyor or engineer registered with the State of North Carolina, shall show the location of the foundation on the lot and all applicable front, side, and rear yard setbacks. Failure to submit this foundation survey may result in the denial of a Certificate of Compliance.

The requirements for foundation survey submittal shall be waived if the structure is a residential dwelling located on a tract of at least ten (10) acres in area and the proposed dwelling is also at least two-hundred (200) feet from all external boundaries of the tract.

## **Section 10.4 Certificate of Compliance**

No building hereafter erected or structurally altered or changed in use shall be used or occupied until the Zoning Administrator has issued a Certificate of Compliance. The Certificate of Compliance shall state that the building or portion of a building is in compliance with the provisions of this Ordinance and with the information stated on the zoning permit.

#### **10.4.1 Application for a Certificate of Compliance**

A Certificate of Compliance may only be issued after written application for same has been made in which the applicant must state that the building or structure erected, altered or changed complies in all respects with this Ordinance and the zoning permit previously issued. No application shall be considered complete unless accompanied by a fee, in accordance with the current fee schedule adopted by the Village Council. If the application for Certificate of Compliance is for a building, the application shall be accompanied by a scaled, dimensional plat drawn by and certified as accurate by a surveyor or engineer registered with the State of North Carolina that affirmatively shows that the building or structure was erected in compliance with this Ordinance and the zoning permit previously issued. Provided, for residentially developed properties only, if the tract upon which the residence is constructed contains ten (10) acres or more, then the person applying for the Certificate of Compliance shall be allowed to present a non-certified sketch in lieu thereof, provided that the residence is located no closer than two-hundred (200) feet from any of the boundaries of the tract. In the event that the proposed residence is located closer than two hundred (200) feet from any of the boundaries of the tract, then the applicant shall submit a certified survey of the improvements with respect to those boundaries only. The sketch submitted shall in all other respects comply with the requirements set forth above.

#### **10.4.2 Review of Certificate of Compliance**

The Zoning Administrator shall take necessary action to ensure compliance with this Ordinance and the zoning permit prior to issuing a Certificate of Compliance.

#### **10.4.3 Denial of Certificate of Compliance**

In the event the Zoning Administrator finds that the applicant has not complied with this Ordinance and the zoning permit previously issued, he/she shall notify the applicant of same stating the reasons therefore.

#### **10.4.4 Appeal**

The applicant may appeal to the Board of Adjustment the Zoning Administrator's denial of the Certificate of Compliance. Appeal of denial of the Certificate of Compliance must be made in writing and state the grounds thereof, and must be received by the Zoning Administrator within thirty (30) days of applicant's receipt of written notice of denial of the Certificate of Compliance.

#### **10.4.5 Zoning Permit Not Required**

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

- Street construction or repair.
- Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- Specific signs exempted in Section 8.2 of this Ordinance.
- Accessory use buildings with all side measurements less than twelve (12) feet in length and not erected on a foundation.
- Mailboxes, newspapers boxes, walls, fences, birdhouses, flag poles, pump covers.

All other uses not listed in this section shall require a zoning permit and must follow the Marvin Zoning and/or Subdivision Ordinance requirements.

## **Section 10.5 Remedies**

Violation of this Article shall subject the violator to those enforcement and penalty provisions as set out in Section 1.5 of this Ordinance.

## **Section 10.6 Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. Such complaint shall state fully the precise nature of the violation and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action as provided by this Ordinance.