

18.0 ADMINISTRATION

18.1 Planning Administration

The various provisions of the City of Belmont Land Development Code shall be administered by the City of Belmont Planning Department under the primary direction of the Planning Director. The Planning Director shall maintain a record of all permits and approvals on file in the City Hall, and copies shall be made available on request to interested parties.

18.2 Zoning Permit

1. Permit Required

No building, sign or other structure (except as otherwise provided for in this ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Planning Director has issued a zoning permit for such work. The fee for a zoning permit shall be established by the fee schedule approved by the City Council.

2. Expiration of Zoning Permit

Any zoning permit issued in accordance with this Code will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

3. Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Planning Director authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this ordinance and shall be punishable as indicated in this section.

4. Zoning Permit Not Required

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

- A. Street construction or repair
- B. 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
- C. Specific signs exempted in Section 10.
- D. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses
- E. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure

5. Right of Appeal

If a request for a zoning permit is disapproved or if a ruling of the Planning Director is questioned, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with this section.

6. Certificate of Occupancy

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of occupancy has been issued by the Gaston County Building Inspection Department. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of Gaston County Building Inspection Department and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

18.3 VIOLATIONS AND PENALTIES

1. Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Planning Director who shall properly record such complaint, immediately investigate, and take action as provided by this ordinance.

2. Penalties for Transferring Lots in Unapproved Subdivisions

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of City of Belmont, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Belmont may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

3. Penalties for Violation

In case any structure, use, or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Planning Director, the Gaston County Building Inspector, any other appropriate City authority; or any person who may be damaged by such violation.

A. Criminal

Any person, firm, or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.

B. Equitable Remedy

The Planning Director may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Planning Director's application for equitable relief that there are other remedies provided under general law or this ordinance.

C. Injunction

Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Planning Director may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

D. Order of Abatement

In addition to an injunction, the Planning Director may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed;
2. Fixtures, furniture or other moveable property be moved or removed entirely;
3. Improvements, alterations, modifications or repairs be made; or
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

E. Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Planning Director may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and materialman's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

F. Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Planning Director may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Planning Director may revoke any permit (e.g. Building Certificate of Occupancy) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

G. Civil Penalty

In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the Planning Director.

Subsequent citations for the same violation may be issued by the Planning Director if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Planning Director through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Planning Director.

The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days
First Citation	\$50.00 per violation or per tree (May be applied per tree or shrub for landscaping installation violations) and \$2.00 for every square foot area of vegetation damaged or destroyed
Second Citation For Same Offense	\$500.00
Third and Subsequent Citations for Same Offense	\$1,000.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the City may recover the penalties in a civil action in the nature of debt.

H. Replacement of Disturbed and Damaged Vegetation

The disturbance of any landscaped area or vegetation required by this Code shall constitute a violation of the site or master plan. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this section as well as the approved site or master plan.

Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation shall meet the standards set forth in this section taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that die within one year of construction completion, because of contractor negligence, shall be removed and replaced with new vegetation of equal or greater in size.

Existing vegetation required to be preserved that has been damaged or destroyed during the course of development activity shall be subject to civil penalty and replaced in accordance with the requirements of this section.

A revegetation plan shall be submitted that takes into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and the replacement plant materials. The City of Belmont may require equal amounts of new vegetation to be installed equal to the size of the vegetation removed.

Replacement consists of one or a combination of any of the following measures:

- A. Replant according to the requirements of this Chapter 12. A replanting plan denoting the proposed installation shall be submitted to the City of Belmont for approval. The Planning Director may elect to present the replanting plan to the Technical Review Committee for final approval.
- B. Replace damaged or destroyed significant vegetation in both perimeter and or interior landscaped areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least 8 inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one half inches and a cumulative caliper equal to or greater than the original tree. Trees damaged or destroyed less than 8 inches in diameter shall be replaced to satisfy the performance criteria of this section. Understory plantings may also be required to restore the buffer performance criteria for the disturbed area. A revegetation plan denoting the proposed installation shall be submitted to the City of Belmont for approval. The Planning Director may elect to present the revegetation plan to the Board of Adjustment for final approval. This requirement may be modified by the Planning Director based upon site conditions.
- C. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be of the type and amount that is necessary to provide the type of landscaping required under this Section or interior preservation area identified on the landscape plan.

Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Planning Director.

18.4 APPEALS AND VARIANCES

1. Initiation of Appeals and Variances

- A. An appeal may be initiated by any aggrieved party or by any officer, department or board of Belmont.
- B. A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

2. Appeals Procedure

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Planning Director and apply such interpretation to particular fact situations.

- A. The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.
- B. The Board of Adjustment shall have all the powers of the Planning Director in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.
- C. An appeal may be made by any person who has received a ruling from the Planning Director. An appeal to the Board of Adjustment shall be made within thirty (30) days of the decision, order, determination, or interpretation made by the Planning Director. The Planning Director may make an appeal to the Board of Adjustment at any time.

3. Variance Procedure

When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this ordinance relating to the construction or alteration of buildings or structures or the use of land.

- A. The following are not cause for a variance:
 - 1. The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
 - 2. The request for a particular use expressly, or by inference, prohibited in the district involved.
 - 3. The fact that the property may be utilized more profitably with a variance.

- B. The Board of Adjustment may only grant a variance having first held a public hearing on the matter and having made the following determinations:
 - 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and
 - 2. That the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
 - 3. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done; and
 - 4. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.
 - 5. That if the applicant complies with the provisions of this ordinance, he can secure no reasonable return from, nor make any reasonable use of the property.
- C. The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and shall be punishable as prescribed in this section.
- D. Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, and order of the Board of Adjustment in granting a variance shall expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one year from the date of its decision.

4. Application Procedure

The following regulations apply to all applications submitted to the Board of Adjustment:

- A. Before a petition for an administrative appeal, interpretation of this Code, variance, or change or replacement of a nonconformity, or allowance of a temporary use shall be heard and a public hearing conducted by the Board of Adjustment, an application shall be submitted to the Planning Director along with a fee in accordance with fee schedule established by the City Council. Said fee shall be waived for any petition initiated by the Planning Director or other officials of Belmont who initiate a request on behalf of the City of Belmont. For variance requests, the application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (i.e., all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant.
- B. The filing of any application stays all proceedings unless the Planning Director certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, City Council or by a court of record.
- C. Within five working days after having received an application for an appeal, interpretation, variance, change or expansion of a nonconformity, or allowance of a temporary use, the Planning Director shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the appellant or petitioner

specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to so notify the appellant or petitioner, the application shall be deemed complete.

5. Public Notification

The City of Belmont shall give notice of all public hearings. Said notice shall become a part of the record of the proceedings of the Board of Adjustment. Notice shall be given in the following manner:

- A. Interpretations and appeals of the Planning Director
 1. Notice shall be sent by the City by first class mail to the applicant at least ten (10) days prior to the public hearing.
 2. Notice shall also be posted by the Planning Director in a conspicuous location in the City Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A notice shall be published in a newspaper having general circulation in the City once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
- B. Variances and changes or expansions of nonconformities
 1. Notices shall be provided by the applicant and sent by the City by first class mail to the applicant and to owners of all contiguous properties at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 2. Notice shall also be posted by the Planning Director in a conspicuous location in the City Hall at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A notice shall be published in a newspaper having general circulation in the City once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.

6. Decisions

The Board of Adjustment shall hold a public hearing on an application no later than 45 days after a complete application has been filed with the Planning Director. The application shall be received by the Board of Adjustment at least ten days prior to the next regularly scheduled meeting of the Board to be considered at that meeting. The Board of Adjustment shall decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.

The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make an interpretation of the Code, reverse any order, requirement, decision or determination of the Planning Director, grant a variance, allow for a change or expansion of a nonconformity allowance of a temporary use or to decide in favor of the applicant on any matter upon which it is required to pass under this Code. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

All decisions of the Board of Adjustment shall be in writing and filed with the Planning Director.

7. Variance - Effect of Approval

If an application for a variance is approved by the Board of Adjustment, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the variance or (ii) develop any other use listed as a "permitted use" for the zoning district in which it is located.

8. Appeals of the Board of Adjustment's Decisions

- A. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.
- B. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.
- C. Every decision of the Board of Adjustment under this Section shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Board of Adjustment, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Board of Adjustment or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.

18.5 CERTIFICATES OF APPROPRIATENESS

1. Application Requirements and Procedures

A. Certificate of Appropriateness Required

No exterior feature of any building or other structure, landscape or natural feature, above-ground utility structure or any type of on-premise sign shall be erected, altered, restored, moved or demolished within a Historic Preservation Overlay District until and after an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission. Exterior features include the architectural style, general design, color and general arrangement of the exterior of the building or other structure, including the kind and texture of the building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, exterior features refer to the style, material, size, color, and location of all such signs.

B. Minor Works

The Planning Director shall have the authority to issue a Certificate of Appropriateness for the following types of minor works provided they meet the design standards approved by the Historic Preservation Commission:

- Storm Windows
- Storm Doors
- Fences for Rear Yards
- Shutters and Blinds
- Installation of temporary handicapped facilities (including hand-railings)
- Paint Color (including main structure, roof, porch, decking, and porch ceiling palettes)
- Signage
- Awnings
- Minor Landscaping changes (including tree removal, tree planting, and screening of mechanical equipment)
- Minor exterior alterations (including underpinning)
- Rear Yard Decks
- Brick Paths, Walkways, and Driveways

C. Demolition

An application for a Certificate of Appropriateness authorizing the demolition of a building or structure within the Historic Preservation Overlay District may not be denied. The effective date of such a Certificate may be delayed for a period up to 365 days from the date of approval. The maximum period shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of delay.

During the period of delay, the Commission may negotiate with the owner, city departments and any other parties involved in an effort to find a means of preserving the building. In the event that the Commission finds that the building has no significance or value toward maintaining the character of the District, it shall waive all or part of such period and authorize earlier demolition or removal.

D. Preservation of Historic Features in Public Rights-of-Way

In order to prevent destroying or seriously damaging the historic, architectural, or aesthetic values of the physical features lying within public rights-of-way, all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes to the character of streetscapes, pavings, and sidewalks.

E. Required Information.

All applications for Certificates of Appropriateness must contain the following material as applicable:

1. Site plan drawn to scale showing the location of existing and proposed structures and property lines of such structures, parking, driveways, and landscaping.
2. Scaled drawings showing all exterior architectural detailing for the proposed project.
3. Building materials and color samples.
4. Photographs.
5. Any other information specifically required to show adherence to the design guidelines established by the Commission.
6. A fee in accordance with the fee schedule adopted by the City Council of City of Belmont.

F. Public Notification.

Notice shall be sent by the City by first class mail to the applicant, and to owners of all contiguous properties at least ten (10) days prior to the public hearing. Notice shall also be posted by the Planning Director in a conspicuous location in the City Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

2. Decisions

The Historic Preservation Commission shall hold a public hearing on an application no later than forty-five (45) days after a complete application has been filed with the Planning Director. The application shall be received by the Commission at least ten (10) days prior to the next regularly scheduled meeting of the Commission. The Commission shall decide on the matter which was presented at the public hearing within forty-five (45) days of the close of the public hearing.

If the Commission determines that the proposed construction, reconstruction, alteration, restoration, moving, or demolition of a structure is appropriate, it shall approve and issue to the applicant a Certificate of Appropriateness. If the Commission determines that a Certificate of Appropriateness should not be issued, it shall place in its records the reason for the denial and shall notify the applicant of such determination, furnishing him a copy of its reasons, and its recommendations, if any, as they appear in the records of the Commission. In all matter coming before the Commission, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

A Certificate of Appropriateness shall be valid for a period of six months from the date of issuance. Failure to secure a building permit within a six (6) month period shall be considered as a failure to

comply with the Certificate of Appropriateness and the Certificate shall become null and void. If a building permit is not required, failure to complete the approved work with six (6) months of the date issuance shall also cause the Certificate to expire. The Certificate may be renewed by the staff upon written request of the applicant if the request is received not more than one (1) year from the date of original issuance.

All decisions of the Historic Preservation Commission shall be in writing and filed with the Planning Director.

3. Appeals of the Historic Preservation Commission's Decisions

- A. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Historic Preservation Commission's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Historic Preservation Commission, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Historic Preservation Commission to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Historic Preservation Commission finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.
- B. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.
- C. Every decision of the Historic Preservation Commission under this Section shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Historic Preservation Commission, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Historic Preservation Commission or the Chairman of the Historic Preservation Commission at the time of the Board's hearing of the case, whichever is later.

4. Interior Arrangements Not Considered

The Historic Preservation Commission shall not consider interior arrangement nor take any action to restrict interior changes except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs in the Historic Preservation Overlay District which would be incongruous with the historic aspects.

5. Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic Preservation Overlay District which does not involve a

change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify as required for public safety because of an unsafe or dangerous condition.

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