

P16-26

**Town of Hope Mills Zoning Ordinance
Text Amendment
(Historic District Overlay)**

P16-26. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

AMEND Article III Zoning Districts, Section 102A-302. Zone Characteristics, (g) Overlay districts, (3) *Historic overlay district (HOD)* as follows:

(3) *Historic overlay district (HOD)*. This overlay district is designed to promote the preservation and restoration of structures and landscape features within specified areas and/or neighborhoods of the town that are of historical, architectural and cultural importance, having significant character, design, setting, materials or value for their association with the town, Cumberland County, North Carolina or the nation. This district is designed to protect buildings, structures and sites, and their environs through guidelines [and certificates of appropriateness issued through the town's Historic Preservation Commission.](#) ~~administered by the town's Historic Advisory Committee.~~

AMEND Article IX Overlay Districts, Section 102A-904. Historic Overlay District (HOD) as indicated below:

Sec. 102A-904. Historic overlay district ("HOD").

(a) *Purpose and intent*. The historic overlay district ("HOD") is created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places and areas that have special historical significance and which have been officially designated by the Board of Commissioners. The regulations herein are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation and improvement; and to promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.

P16-26

PENDING AMENDMENT

Hope Mills Zoning Ordinance
Historic Overlay District

CURRENT MEETING INFORMATION:

A public hearing will be held by the Hope Mills Board of Commissioners on **June 20, 2016 at 7:00 pm** in the Bill Luther Board Meeting Room at the Hope Mills Town Hall, 5770 Rockfish Road, Hope Mills.

CASE HEADING:

P16-26. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

ADDITIONAL INFORMATION:

Complete text is attached.

The proposed amendment was originally scheduled for the May 17, 2016 Joint Planning board meeting; however, that meeting was cancelled. The board did consider the proposed amendment at their June 7, 2016 meeting and voted unanimously to recommend approval.

CONTACT INFORMATION:

Ed Byrne at 910-678-7609, email: ebyrne@co.cumberland.nc.us or
Jaimie Melton at 910-678-7603, email: jmelton@co.cumberland.nc.us

(b) *Designated district area.* The provisions of this section shall apply within the area designated by the Board of Commissioners after their determination of the area that is intended to be preserved due to the area's historical significance and as may be amended from time to time, is hereby officially adopted, as shown on a map entitled: *Hope Mills Historic Overlay District*, and is incorporated herewith [as Exhibit 2 of this ordinance](#).

~~(c) *Allowed uses.* All uses, including signs, allowed in the underlying zoning district under the provisions of this ordinance and in the district as shown on the officially adopted zoning map are allowed uses within the historic overlay district; however, before any exterior structural changes, modifications, additions or demolitions are made to any property within this overlay district or a new structure is built, a *Certificate of Appropriateness* issued through the auspices of the Town's Historic Advisory Committee must first be obtained signifying that the proposed exterior structural changes, modifications, additions or demolitions and/or new construction is consistent with the provisions of the *Hope Mills Heritage Preservation Plan* (September, 1995) or subsequent comparable document, specifically the provisions of the ordinance entitled *Rehabilitation Guidelines for Properties in the Historic District*. In the event, the proposed development requires approval from the Board of Commissioners, the *Certificate of Appropriateness* must be obtained prior to presentation of the plan for the Commissioners' consideration.~~

~~(d) *Dimensional requirements and exceptions.* In addition to the provisions of the *Hope Mills Heritage Preservation Plan*, or subsequent comparable amendment, development shall comply with the regulations of the underlying zoning district, except as follows:~~

~~(1) Structures erected in the historic overlay district shall use the prevailing setback of structures in the same underlying zoning district on the same side of the street;~~

~~(2) All applicable zoning regulations shall apply to property within a historic overlay district unless a variance is approved by the Board of Adjustment. The said variance shall be granted only if the request complies with the intent of the architectural and historic guidelines of the historic overlay district, if the request first receives a favorable recommendation from the Historic Advisory Committee and the request is not for a use of the property.~~

~~(e) *Certain Changes Not Prohibited.* The provisions of this section shall not be construed to prevent the following:~~

~~(1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof;~~

~~(2) The construction, reconstruction, alteration, restoration, moving or demolition~~

~~of any such feature which the Chief Building Inspector or the inspector's designee shall certify in writing to the committee is required to protect the public safety because of unsafe or dangerous conditions; and~~

~~(3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms, and the like.~~

~~(f) *Appeal of Historic Advisory Committee decision.* In any action granting or denying a *Certificate of Appropriateness*, an appeal by an aggrieved party may be taken to the Board of Adjustment. Written notice of the intent to appeal and the reasons therefore must be delivered to the County Planning Department and the appeal shall be scheduled for the next available Board of Adjustment meeting. The appeal process shall be the same as for an appeal of an administrative officer's decision as established in this ordinance.~~

(c) *Certificate of Appropriateness Required.*

(1) From and after the designation of HOD and adoption of guidelines by the Historic Preservation Commission (the "Commission"), no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within the HOD until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. In the event the proposed development plan requires approval from the Board of Commissioners or the Board of Adjustment under the terms of the zoning and/or subdivision regulations, the certificate of appropriateness must be obtained prior to presentation of the development plan application for either board's consideration. A certificate of appropriateness shall be required whether or not a building or other permit is required. A certificate of appropriateness shall be required whether or not a building or other permit is required.

(2) For purposes of this ordinance, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. Exterior features may also include historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

(3) The State of North Carolina (including its agencies, political subdivisions and instrumentalities), the Town of Hope Mills and all public utilities shall be required to obtain a certificate of appropriateness for construction, alteration, moving or demolition within the HOD.

(d) *Application for Certificate of Appropriateness.* Applications for a certificate of appropriateness shall be obtained from and when completed, filed with the town planner. The application shall be filed not less than twenty-one (21) calendar days prior to the next regularly scheduled meeting of the Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of all property within 100 feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted. The Commission shall adopt, through its rules of procedure, appropriate procedures for pre-application meetings.

(e) *Action on Application for Certificate of Appropriateness.*

(1) The town planner shall, by a mailing that is sent not less than seven (7) days prior to the meeting at which the matter is to be heard, provide notification of the application to the owners of property within 100 feet on all sides of the subject property.

(2) Applications for certificates of appropriateness shall be acted upon within ninety (90) days after filing, otherwise the application shall be deemed to be approved and certificate shall be issued. An extension of time may be granted by mutual consent of the Commission and the applicant.

(3) As part of the review procedures, the Commission may view the premises and seek the advice of the North Carolina Department of Cultural Resources or other such expert advice as it may deem necessary under the circumstances. The Commission shall hold a quasi-judicial hearing on each application, other than one for approval as a minor work.

(4) The action on an application shall be approval, approval with conditions or denial, and the decision of the Commission must be supported by specific findings of fact indicating the extent to which the application is or is not congruous with the special character of the HOD.

(5) Once issued, a certificate of appropriateness shall be void after six (6) months from the date of issue unless work has begun on the project by that time. The town planner may issue one six-month extension on the time to begin work. If after work commences it stops for a period of six (6) months or more, the certificate of appropriateness shall expire.

(f) Hearings for Certificate of Appropriateness.

(1) Prior to the issuance or denial of a certificate of appropriateness, the applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. All meetings of the Commission shall be open to the public in accordance with the North Carolina Open Meetings Law, G.S. Chpt. 143, Article 33C.

(2) The Commission shall have no jurisdiction over interior arrangement, except as provided below, and shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the HOD.

(4) In any action granting or denying a certificate of appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

(5) Written notice of the intent to appeal must be sent to the Commission via the town planning department, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the Board of Adjustment shall be heard by the Superior Court of Cumberland County.

(6) The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision within thirty (30) days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Commission.

(g) Administrative Approval of Minor Works.

(1) Notwithstanding subsection 102A-904(c) above, upon receipt of a completed application the town planner may issue a certificate of appropriateness for minor works that are consistent with the provisions of subsection and the Design Principles and Guidelines adopted by the Commission. If the town planner determines that an applicant seeks a certificate of appropriateness for a minor work as defined herein, he or she may waive the requirement that the application be submitted twenty-one (21) days prior to the next Commission meeting and the requirement that the application contain the names and addresses of nearby property owners.

(2) Minor works are defined as those exterior changes that do not involve a change to the visual character of the property and do not involve substantial alterations, additions or removals that could impair the integrity of the property and/or district as a whole. The town planner shall make the determination as to whether the application involves a minor work as defined herein.

(3) The town planner may approve but may not deny an application for a certificate of appropriateness for minor works. If the town planner decides not to issue a certificate of appropriateness for a minor work, the application shall be referred to the Commission for action.

(4) A decision by the town planner to issue a certificate of appropriateness for minor works may be appealed to the Board of Adjustment in the same manner as other decisions are appealable to the board.

(h) Review Criteria.

(1) No certificate of appropriateness shall be granted unless the Commission finds that the application complies with the principles and guidelines adopted by the Commission for review of changes. It is the intent of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or other significant features in the HOD shall be congruous with the special character of the district. Notwithstanding the foregoing, the Commission may apply the above-mentioned principles and guidelines in a manner that is consistent with their spirit, rather than literally, when it concludes that the benefit derived from strict adherence to the principles and guidelines is outweighed by the practical or financial hardships imposed on an applicant by such literal application on non-contributing structures.

(2) In addition to the principles and guidelines, the following features or elements of design shall be considered in reviewing applications for certificates of appropriateness:

(a) Lot coverage, defined as the percentage of the lot area covered by primary structures;

(b) Setback, defined as the distance from the lot lines to the building;

(c) Building height.

(d) Spacing of buildings, defined as the distance between adjacent buildings;

(e) Proportion, shape, positioning, location, pattern, sizes and style of all elements of fenestration and entry doors;

(f) Surface materials and textures;

(g) Roof shapes, forms and materials;

(h) Use of regional or local architectural traditions;

- (i) General form and proportion of buildings and structures and the relationship of additions to the main structure;
- (j) Expression of architectural traditions;
- (k) Orientation of the building to the street;
- (l) Scale, determined by the size of the units of construction and architectural details in relation to the human scale and also by the relationship of the building mass to adjoining open space and nearby buildings and structures, maintenance of pedestrian scale;
- (m) Proportion of width to height of the total building façade;
- (n) Archaeological sites and resources associated with standing structures;
- (o) Effect of trees and other landscape elements;
- (p) Major landscaping which would impact known archaeological sites;
- (q) Style, material, size and location of all outdoor advertising signs;
- (r) Appurtenant features and fixtures, such as lighting;
- (s) Structural condition and soundness;
- (t) Walls – physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses;
- (u) Ground cover or paving; and
- (v) Significant landscape, archaeological and natural features.

(3) The United States Secretary of the Interior’s “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” shall be the sole principles of and guidelines used in reviewing applications of the State of North Carolina for certificates of appropriateness.

(i) *Certain Changes Not Prohibited.* Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark which does not involve a change in design, materials or outer appearance thereof; the ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs or traffic signs; or the construction, reconstruction, alteration,

restoration or demolition of any such feature which the building inspector shall certify is required for the public safety because of an unsafe or dangerous condition. None of the foregoing work shall require a certificate of appropriateness. Nothing herein shall be construed to prevent (1) the maintenance or (2) in the event of an emergency, the immediate restoration of the existing above-ground utility structure without approval by the Commission.

(j) *Enforcement and Remedies.*

(1) Compliance with the terms of the certificate of appropriateness shall be enforced by the town. Failure to comply with the certificate shall be a violation of the provisions of this ordinance that pertain to zoning and shall be punishable according to established procedures and penalties for such violations.

(2) In case any building, structure, site, area or object designated as being within the HOD is about to be demolished, whether as a result of deliberate neglect or otherwise materially altered, remodeled, removed or destroyed except in compliance with this ordinance, the Board of Commissioners, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling or removal to restrain, correct or abate such violation or to prevent any illegal act or conduct with respect to such a building or structure.

(k) *Delay in Demolition Within the HOD.*

(1) An application for a certificate of appropriateness authorizing the demolition, removal or destruction of a building, structure or site within a historic district may not be denied except as provided herein. However, the effective date of such a certificate may be delayed for up to 365 days from the date of approval. The period of delay shall be reduced by the Commission if 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 the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure or site. If the Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

(2) If the Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, structure or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to 180 days or until the Board of Commissions takes final action on the designation, whichever occurs first.

(3) An application for a certificate of appropriateness authorizing the demolition of a building, structure or site determined by the State Historic Preservation Officer as having

statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(l) *Prevention of Demolition By Neglect.*

(1) Intent. The purpose of this section is to permit the Town of Hope Mills, through the Commission and the town staff, to protect the town's historic resources by intervening when a contributing property is undergoing demolition by neglect.

(2) Definitions.

- (a) *Contributing Property.* Any property, building or structure, or part thereof, that has been designated as "contributing" to the Hope Mills Historic District.
- (b) *Demolition By Neglect.* The deterioration of any contributing property to such an extent that the structural integrity of its architectural details of historic value or other important historic aspects of the property may be lost to current and future generations.
- (c) *Owner.* For the purposes of this section, the "owner" shall include the legal owner of record of a property, building or structure, as indicated by the Cumberland County tax records and the Cumberland County Registry. The owner shall also include any other person exercising lawful control over a property, building or structure (for example, a tenant or other occupant) who can be discovered by the Town staff using reasonable diligence.
- (d) *Undue Economic Hardship.* An owner's financial inability to make the repairs specified in an order issued pursuant to this subsection.

(3) Standards. The owner of a contributing property shall prevent the demolition by neglect of the property, including the preservation of exterior architectural features and the prevention and/or correction of structural defects. The following nonexhaustive list includes examples of defects which may constitute demolition by neglect:

- (a) *Deterioration of exterior walls, foundations, or other vertical supports which results in leaning, sagging, splitting, listing, or buckling;*
- (b) *Deterioration of flooring or floor supports, roofs, or other horizontal members which results in leaning, sagging, splitting, listing, or buckling;*
- (c) *Deterioration of an external chimney which results in leaning, sagging, splitting, listing, or buckling of the chimney;*

- (d) Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition exposes structural elements to decay;
- (e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors or broken or malfunctioning gutters;
- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or excessive weathering due to lack of paint or other protective covering;
- (g) Rotting, holes, and other forms of decay where there is evidence that such conditions have exposed structural elements;
- (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- (i) Deterioration of contributing accessory structures; and
- (j) Overgrown plants/landscaping features which threaten the structural integrity or relevant, significant architectural detail of a structure.

(4) Procedure for Enforcement.

- (a) Any citizen who believes that a contributing property is undergoing demolition by neglect may make a written complaint to the town planner. The complaint must include a description of the property, including a street address, and the nature of the deterioration claimed to constitute demolition by neglect.
- (b) Upon the receipt of the complaint or where there is otherwise a reasonable basis to believe that demolition by neglect may be occurring, the town planner or other person designated by the town manager will conduct a preliminary investigation, and if upon investigation, the staff person determines that a contributing property may be undergoing demolition by neglect, he or she shall provide the owner written notice that the matter will be brought before the Commission at its next regularly scheduled meeting that is at least ten (10) days from the date of the notice.
- (c) The written notice shall include the following:
 - 1. A summary of the defects alleged to constitute demolition by neglect;

2. The date, time and location for when and where the Commission will hear and consider the matter;
 3. Any reports prepared by the town staff;
 4. A summary description of the demolition by neglect review process;
 5. A statement that during the hearing the owner and any other interested persons have the right to be represented by an attorney and present evidence at the hearing, including evidence of any undue economic hardship that repairing the alleged demolition by neglect would cause; and
 6. A statement that additional information can be obtained from the town during regular business hours.
- (d) The Commission shall conduct a quasi-judicial hearing of the matter, and if it finds that a contributing property is undergoing demolition by neglect, it shall prepare a written order directing the owner to take corrective action within a reasonable period of time. The order shall include findings of fact; conclusions of law; and when possible references to applicable HOD design guidelines.
- (e) If the Commission issues an order requiring the repair of any demolition by neglect, the owner may file a claim stating that complying with the order would cause the owner undue economic hardship. A claim of undue economic hardship must be submitted in writing to the town planner no later than ten (10) days after the date the written order to repair is issued. An applicant must include with a claim all available supporting evidence and a statement of what specific relief is requested (i.e. more time to comply, waiving of certain repair work, etc.). Should additional evidence become available after a claim is made but before the Commission considers the matter, it shall be duty of the owner to provide this additional evidence to the town planner immediately. The order to repair the demolition by neglect shall be stayed while the claim of undue economic hardship is pending.
- (f) Using a quasi-judicial hearing, the Commission shall consider a claim of undue economic hardship at least ten (10) days after the filing of said claim. The order approving or denying some or all requested relief shall be in writing, include relevant findings of fact, and shall specify the relief granted.

(5) Methods of Service.

- (a) Notices and orders issued by the town in connection with a demolition by neglect complaint shall be served by first class mail upon the owner of record at the most recent mailing address listed in the Cumberland County tax records.
 - (b) If, after using reasonable diligence, the town staff determine that a person other than the legal owner has lawful control and/or custody of the property, building or structure, the staff shall also serve a copy of all notices and orders on said person by first class mail to the person's last known mailing address.
 - (c) The town staff shall also serve a copy of all notices and orders by first class mail upon any lienholders of record and holders of deeds of trust or mortgages of record. Failure to comply with this subsection shall in no way affect the validity of any notice or order that has otherwise been properly served.
- (6) Safeguards from Undue Economic Hardship.
- (a) When a claim of undue economic hardship is made, the owner must provide evidence describing the circumstances of the hardship. The owner shall provide, at a minimum, the following information:
 - 1. The nature of the ownership (individual, business, or nonprofit) of the property, building or structure and a statement of the legal relationship of the owner to the property (i.e. fee simple ownership, tenant, etc.);
 - 2. If the owner has legal title to all or some part of the property, building or structure, the owner shall also state how much was paid for the property, building or structure; the date of acquisition; from whom the property, building or structure was purchased, including a description of the relationship between the owner and the person from whom the property, building or structure was acquired; and whether the property, building or structure or was acquired by other means such as by gift or inheritance;
 - 3. The financial resources of the owner;
 - 4. The estimated cost of repairs necessary to comply with an order to repair. Whenever possible, these estimates should be in the form of written estimates by a contractor, engineer or architect licensed in North Carolina;
 - 5. Assessed value of the land and improvements;
 - 6. Annual debt service (i.e., mortgage payments), if any, for the previous two

(2) years; and

7. Any listing of the property for sale or rent, price asked, and offers received, if any.

Additionally for income-producing properties, the owner shall provide the following information:

8. Annual gross income from the property for the previous two (2) years;
9. Itemized operating and maintenance expenses for the previous two (2) years;
10. Proof that adequate and competent management procedures have been used for the management of the property, building or structure; and
11. Annual cash flow for the previous two (2) years.

- (b) The Commission may require any additional evidence that it deems relevant to the questions of whether undue economic hardship exists and the appropriateness of the relief proposed to be granted.

(7) Appeals. Any order to repair and any order pertaining to a claim of undue economic hardship may be appealed by an aggrieved party to the Board of Adjustment within the same time, in the same manner and for the same filing fee as appeals of decisions to grant or deny a certificate of appropriateness. Such appeals shall be in the nature of certiorari and not *de novo*.

(8) Enforcement. Failure to comply with an order to repair or, if applicable, an order granting relief from undue economic hardship shall be a violation of the Hope Mills Zoning Ordinance and shall be punishable according to established procedures and penalties for such violations. The town's remedies shall include, but not be limited to, the levying of civil penalties, with each day that violation continues being deemed a separate violation; the seeking of an injunction and/or an order of abatement; and such other equitable relief as may be available.

(9) Other Town Powers. Nothing in this ordinance shall diminish the town's power to declare a property, building or structure to be a public nuisance or otherwise in violation of the North Carolina State Building Code or the Hope Mills Minimum Housing Code.