

## ARTICLE 4

### BOARDS AND COMMITTEES

#### 4.1 Boards and Committees Established

The following boards and committee are hereby established to carry out the duties and responsibilities set forth in this ordinance and in fulfillment of the goals and purposes of this ordinance:

- (A.) Planning Board
- (B.) Board of Adjustment
- (C.) Technical Review Committee

The boards may establish and adopt their own bylaws and rules of procedure, provided they are not inconsistent with the rules of procedure outlined in the Suggested Rules of Procedure for Small Local Government Boards, published by the Institute of Government or the rules adopted by the Town Board of Aldermen.

#### 4.2 Planning Board

4.2-1 Authority. There is hereby created a planning agency, pursuant to NCGS 160A-361 to be known as the Town of Andrews *Planning Board*.

4.2-2 Membership.

The *Planning Board* shall consist of five members. All members shall have equal rights, privileges and duties; except as defined for officers by adopted rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment two (2) members shall be appointed for three (3) year terms; two (2) members shall be appointed for a two (2) year term; and one (1) member shall be appointed for a one (1) year term.

4.2-3 Powers and Duties. The *Planning Board* shall have the following powers and duties:

- (A.) To provide recommendations to the Town Board of Aldermen with regard to map amendments (rezoning), text amendments, watershed waivers, and other matters on which the Board of Aldermen seeks advice;
- (B.) To develop and update a Land Use Plan and/or Comprehensive Master Plan for the territory under its Jurisdiction, subject to specific direction from the Town Board of Aldermen;
- (C.) To render opinions and make recommendations on all issues, requests, and petitions

related to the Andrews Development Ordinance and Town Plan 2035 that may be adopted from time to time and that require approval by the Town Board of Aldermen; and

(D.) To make such other studies and plans and review such other related matters as directed by the Town Board of Aldermen.

### **4.3 Board of Adjustment**

4.3-1 Authority. Pursuant to NCGS 160A-388, there is hereby created a *Board of Adjustment*.

4.3-2 Membership.

(A.) Number of Members. The *Board of Adjustment* shall consist of five (5) members. All members shall have equal rights, privileges and duties; except as defined for officers by adopted rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment two (2) members shall be appointed for three (3) year terms; two (2) members shall be appointed for a two (2) year term; and one (1) member shall be appointed for a one (1) year term.

(B.) Alternates. The Town Board of Aldermen may, in its discretion, appoint alternate members to serve on the *Board of Adjustment* in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160A-388(a))

4.3-3 Powers and Duties. The *Board of Adjustment* shall have the following powers and duties:

(A.) To hear and decide appeals from an order, denial of a permit or other written decision made by an administrative official charged with enforcing this Ordinance;

(B.) To hear and decide requests for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district;

(C.) To act as the Watershed Review Board in hearing and deciding appeals from any decision or determination made by the Enforcement Officer in the enforcement of the Watershed Protection Ordinance as set forth in Article 19 of this Ordinance;

(D.) To hear and decide appeals and requests for variances from the requirements of the flood damage prevention provisions of this Ordinance, as set forth in Article 18; and

(E.) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance and/or any ordinance duly adopted wherein the Board of Adjustment is designated to hear appeals or other duties.

4.3-4 Voting.

A four-fifths vote of the members shall be required to grant a variance; otherwise, a simple majority of the Board membership shall be required to affirm, reverse or modify any written order, decision, or interpretation of the Enforcement Officer charged with enforcing this Ordinance; to decide in favor of the applicant on a matter [other than variances] upon which the Board is required to pass; Vacant positions on the *Board of Adjustment* and members who are disqualified from voting on a matter before the *Board of Adjustment* shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

4.3-5 Conflicts. A member of the *Board of Adjustment* shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recues himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160A-388).

4.3-6 Proceedings.

All meetings of the *Board of Adjustment* shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote.

The final disposition of each matter decided by the *Board of Adjustment* shall be by recorded resolution indicating the reasons for the decision, based on findings of fact obtained by testimony under oath or affirmation and conclusions of law which shall be public record.

On all appeals, applications and other matters brought before the *Board of Adjustment*, the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

#### 4.4 Technical Review Committee

4.4-1 Authority. A committee known as the Technical Review Committee (TRC) is hereby established to provide technical input to the *Planning, Zoning & Subdivision Administrator* in carrying out the duties of that position.

4.4-2 Membership.

(A.) Composition. The TRC shall be composed of the following members or their designee/alternate:

- (1.) *Planning, Zoning and Subdivision Administrator*
- (2.) Public Works Director
- (3.) Public Works Engineer
- (4.) Stormwater Administrator
- (5.) Floodplain Administrator
- (6.) Town Administrator
- (7.) All *Planning Board* Members
- (8.) Other agencies/individuals as appropriate

(B.) Officers. The *Planning, Zoning and Subdivision Administrator* shall serve as TRC Chair. The TRC Chair shall appoint a secretary to record minutes of each meeting where a Planning Board quorum is present.

4.4-3 Powers and Duties. The Technical Review Committee shall have the following duties:

- (A.) To provide for continuing, coordinated and comprehensive review of certain technical aspects of development proposals and of the Ordinance in general;
- (B.) To review technical aspects of development occurring within the Town as specified by this Ordinance;
- (C.) To review new or revised plans including: subdivisions, office, commercial and industrial developments; and any other proposals for development by this Ordinance;
- (D.) To approve modifications where authorized by this Ordinance;
- (E.) To study and make recommendations to the *Planning Board* regarding the closing of streets, *alleys*, easements, and others rights-of-way;
- (F.) To perform any other related duties that the Town Board of Aldermen, *Planning Board* or *Planning, Zoning & Subdivision Administrator* may direct; and
- (G.) To exercise other powers and authority provided to it by the Town Board of

Aldermen, this Ordinance, or state law.

#### **4.5 Meetings, Hearings, and Procedures of all Boards**

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and with the rules of procedure adopted for the *Planning Board*, and *Board of Adjustment*. Rules of procedure may be amended by the respective board or committee membership. The rules of procedure shall be kept on file at the office of the *Planning, Zoning and Subdivision Administrator* and shall be made available to the public at any meeting or hearing. No rules or procedures shall conflict with this Ordinance; if conflicts occur this Ordinance shall take precedence.

#### **4.6 Staff**

The *Planning, Zoning and Subdivision Administrator* shall serve as staff to the *Planning Board*, and *Board of Adjustment*; and shall provide technical assistance to the *Planning Board*, and *Board of Adjustment*, as requested.