

CHAPTER 32: BOARDS AND COMMISSIONS

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PLANNING BOARD

§ 32.01 CREATED.

A Planning Board for the city is created.

(90 Code, § 2-126)

§ 32.02 COMPOSITION; APPOINTMENT AND QUALIFICATION OF MEMBERS.

The Planning Board shall consist of seven members, who shall be appointed by the City Council. The members shall be residents of the city and shall be persons of experience, recognized ability and good judgment.

(90 Code, § 2-127)

§ 32.03 TERMS.

Each member of the Planning Board shall hold office for a period of three years from the date of his or her appointment.

(90 Code, § 2-128)

§ 32.04 COMPENSATION.

Members of the Planning Board shall receive compensation as set from time to time by the City Council.

(90 Code, § 2-129)

§ 32.05 REMOVAL.

All members of the Planning Board serve at the pleasure of the City Council and may be removed and replaced at will.

(^90 Code, § 2-130)

§ 32.06 VACANCIES.

All vacancies occurring in the membership of the Planning Board shall be filled by the City Council.

(^90 Code, § 2-131)

§ 32.07 ELECTION OF OFFICERS.

The Planning Board shall elect, from its membership, a Chairperson and Secretary.

(^90 Code, § 2-132)

§ 32.08 MEETINGS.

The Planning Board shall provide for public meetings at such times as to give members of the public an ample opportunity in which to appear and be heard before any action of the public importance is definitely determined.

(^90 Code, § 2-133)

§ 32.09 RULES AND REGULATIONS.

Subject to the provisions of § 32.08, the Planning Board shall make such rules and regulations as it sees fit for governing its method of procedure and times of meetings.

(^90 Code, § 2-134)

§ 32.10 RECORD OF PROCEEDINGS.

It shall be the duty of the Secretary of the Planning Board to keep a record of the proceedings of the Planning Board in some permanent form.

(^90 Code, § 2-135)

§ 32.11 STUDIES.

The Planning Board shall make diverse studies of conditions prevailing in the several sections or districts of the city, which affect or are considered likely to affect the health, comfort, convenience and general welfare of persons inhabiting the sections or districts, together with the bearing of such conditions on the general welfare and convenience of the inhabitants of the city generally.

(^90 Code, § 2-136)

§ 32.12 STREET STUDIES AND RECOMMENDATIONS.

The Planning Board shall make a special study of the streets of the city, the roads entering the city, and the needs of the city with respect to changes and additions made thereto, and from time to time shall make recommendations to the City Council bearing on such subject.

(^90 Code, § 2-137)

§ 32.13 ASSISTANCE FROM CITY MANAGER.

The City Manager shall offer his or her services to the Planning Board, and the Planning Board shall have the right at any time to call on him or her for such advice and assistance as it may require.

(^90 Code, § 2-138)

ZONING BOARD OF ADJUSTMENT

§ 32.25 CREATED.

A Zoning Board of Adjustment for the city is created.

§ 32.26 COMPOSITION; APPOINTMENT AND QUALIFICATION OF MEMBERS.

The Board of Adjustment shall consist of seven regular members, who shall reside within the corporate limits during their term of office. Members shall be appointed by the City Council. The members shall be residents of the city and shall be persons of experience, recognized ability and good judgment.

§ 32.27 TERMS.

The maximum number of full terms that a Board of Adjustment member may serve is three, except that the City Council may extend the number of terms for a Board Member where it

is determined that continuity of Board leadership, special expertise and/or exceptional dedication and experience of a particular Board Member demonstrates the need for such term extension. (One term in office equals three years.)

§ 32.28 COMPENSATION.

Members of the Zoning Board of Adjustment shall receive compensation as set from time to time by the City Council.

§ 32.29 MEMBERS OF THE BOARD MAY BE REMOVED FOR CAUSE.

(A) Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board.

(B) No Board members shall take part in the hearing, consideration or determination of any case in which he or she is personally or financially interested.

(C) No Board member shall vote on any matter deciding an application or appeal unless he or she shall have attended the public hearing on that application or appeal.

(D) No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive or seek information pertaining to the case from any other member of the Board, its Secretary or Clerk prior to the hearing.

(E) Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

§ 32.30 VACANCIES.

All vacancies occurring in the membership of the Zoning Board of Adjustment shall be filled by the City Council.

§ 32.31 ELECTION OF OFFICERS.

The Zoning Board of Adjustment shall elect, from its membership, a Chairperson, Vice-Chairperson, Secretary and Clerk.

§ 32.32 MEETINGS.

The Zoning Board of Adjustment shall provide for public meetings at such times to give members of the public an ample opportunity to appear and be heard before any action of the public importance is definitively determined.

§ 32.33 RULES; RECORDS; MEETINGS; QUORUM.

(A) In accordance with the North Carolina General Statutes, the Zoning Board of Adjustment may adopt rules for transaction of its business, and shall keep a record of its members' attendance and its resolutions, discussions and recommendations, which record shall be a public record. The Board shall establish a regular meeting schedule, and shall meet frequently enough so that it can take action on appeals or applications in an expeditious manner. All of its meetings shall be open to the public. For the purpose of taking official action, a quorum shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.

(B) The Zoning Board of Adjustment shall conduct public hearing, as may be required, on matters before the Board in accordance and as required by North Carolina General Statutes.

§ 32.34 POWERS AND DUTIES.

(A) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Ordinance Administrator in the enforcement of Chapter 156.

(B) Conditional uses. To hear and decide application for conditional uses.

(C) Variances. To hear and decide appeals for variance of the requirements of this chapter when it is alleged that the requirements would cause practical difficulties or unnecessary hardship.

(D) Miscellaneous. To hear and decide on matters referred to the Board by the City Council.

§ 32.35 ASSISTANCE FROM THE CITY MANAGER OR DESIGNEE.

The City Manager or designee shall offer his or her services to the Zoning Board of Adjustment, and the Zoning Board of Adjustment shall have the right at any time to call on him or her for such service or assistance as it may require.

§ 32.36 CONFLICT OF INTEREST.

In the event that any member shall have a personal interest of any kind in a matter then before the Zoning Board of Adjustment, the member should disclose his or her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by the member.