

ARTICLE 4

[Amended Sept. 21, 2015 per Ord. 2015-O-20, ZTA-2015-02]

BOARDS AND COMMISSIONS

4.1 Boards and Commissions Established

The following boards and commissions 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

Bylaws and rules of procedure for each board are adopted by the City Board of Commissioners, and are on file with the City Clerk.

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 City of Creedmoor *Planning Board*.

4.2-2 Membership.

– The *Planning Board* shall consist of eight members, five members, who shall reside within the City limits, and three members residing in the City's area of extraterritorial jurisdiction. Members residing inside the City limits shall be appointed by the Creedmoor City Board of Commissioners. Members residing in the City's extraterritorial area shall be appointed by the Granville County Board of Commissioners.

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

(A.) To provide recommendations to the City Board of Commissioners with regard to map amendments (rezoning), text amendments, watershed waivers, and other matters on which the Council 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 City Board of Commissioners;

(C.) To render opinions and make recommendations on all issues, requests, and petitions related to the Creedmoor Development Ordinance and City Plan 2030 that may be adopted from time to time and that require approval by the City Board of

Commissioners;

(D.) To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance; and

(E.) To make such other studies and plans and review such other related matters as directed by the City Board of Commissioners.

4.3 Board of Adjustment (*Amended May 27, 2014 per Ord. 2014-O-03*)

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 six members, three appointed by the Creedmoor City Board of Commissioners and three who are residents of Creedmoor's extraterritorial area, appointed by the Granville County Board of Commissioners.

(B.) Alternates. The City Board of Commissioners 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 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; and

(C.) To hear and decide all matters referred to it or upon which it is required to act under this Ordinance.

4.3-4 Voting.

(A.) Four-fifths Vote Required. 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 order, decision, or interpretation of the Enforcement Officer charged with enforcing this Ordinance. 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.

- (B.) Conflicts. A member of the *Board of Adjustment* or any other body exercising the functions of a *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 recue himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160A-388).

4.3-5 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 (Reserved)

4.5 Technical Review Committee

4.5-1 Authority. An agency known as the Technical Review Committee (TRC) is hereby established pursuant to NCGS 160A-361.

4.5-2 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.) City Manager
 - (6.) *All Planning Board Regular Members*
 - (7.) 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.

4.5-3 Powers and Duties. The Technical Review Committee shall have the following powers and 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 City and the areas within its extraterritorial jurisdiction as specified by this Ordinance;
- (C.) To review and approve new or revised plans including: subdivisions, clustered or attached developments; planned unit developments; 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 recommend to the *Planning Board* the closing of streets, *alleys*, easements, and others rights-of-way;
- (F.) To serve as the Watershed Review Board, exercising the powers and duties as set forth for this Board in Article 19 of this Ordinance.
- (G.) To perform any other related duties that the City Board of Commissioners may direct; and
- (H.) To exercise other powers and authority provided to it by the City Board of Commissioners, this Ordinance, or state law.

4.6 Meetings, Hearings, and Procedures of all Boards and Commissions

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 by the *Planning Board*, *Board of Adjustment*, and Technical Review Committee. Such rules of procedure may be amended by the respective board or commission membership. The rules of procedure adopted by any board or commission

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.

4.7 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.