

## ARTICLE III

### ADMINISTRATIVE MECHANISMS

#### **3-1 PLANNING BOARD**

##### **3-1.1 Authority**

There is hereby created a planning agency, pursuant to NCGS 153A-321, to be known as the Edgecombe County Planning Board and referred to herein as the Planning Board.

##### **3-1.2 Appointment and Terms of Planning Board Members**

- (A) There shall be a Planning Board consisting of any size or composition considered appropriate (but not less than three members), appointed by the Edgecombe County Board of Commissioners, all members shall reside within Edgecombe County.
- (B) Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies may be filled by the Board of Commissioners for the unexpired terms.
- (C) Members may be appointed to no more than two successive terms.
- (D) Planning Board members may be removed by the Board of Commissioners at any time for failure to attend two consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Attendance at a meeting is defined as being present for at least sixty percent of the duration of the meeting.
- (E) If a member moves outside of the County, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Board of Commissioners.
- (F) The Board of Commissioners may provide for payment of any reasonable compensation for members of the Planning Board for reimbursement of their expenses incurred in connection with their official duties.

##### **3-1.3 (Reserved)**

##### **3-1.4 (Reserved)**

##### **3-1.5 (Reserved)**

##### **3-1.6 Powers and Duties of Planning Board**

- (A) The Planning Board may:
  - 1) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the County planning jurisdiction.

- 2) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
  - 3) Make recommendations to the Board of Commissioners concerning proposed special use permits and proposed zoning text and map changes, as provided by Sections 4-7.4 and 8-3.
  - 4) Hear and decide requests for development plan approval in accordance with Section 10-3.3 (D).
  - 5) Perform any other duties assigned by the Board of Commissioners.
- (B) The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

### **3-1.7 Advisory Committees**

- (A) From time to time, the Board of Commissioners may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area.
- (B) Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board.
- (C) Nothing in this section shall prevent the Board of Commissioners from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Board of Commissioners.

## **3-2 BOARD OF ADJUSTMENT**

### **3-2.1 Authority**

There is hereby created a Board of Adjustment pursuant to NCGS 153A-345, to be known as the Edgecombe County Board of Adjustment and referred to herein as the Board of Adjustment.

### **3-2.2 Appointment and Terms of Board of Adjustment**

- (A) There shall be a Board of Adjustment consisting of five regular members and two alternates appointed by the Edgecombe County Board of Commissioners. All members shall reside within Edgecombe County.
- (B) The Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms.

- (C) Members may be reappointed to no more than three successive terms.
- (D) Regular Board of Adjustment members may be removed by the Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend fifty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.
- (E) If a regular or alternate member moves outside of the county, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.
- (F) An alternate member may sit in lieu of a regular member. When so seated, alternates shall have the same powers and duties as regular members.

### **3-2.3 Meetings of the Board of Adjustment**

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with procedures delineated in this Ordinance.
- (B) The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in this Ordinance and in accordance with its bylaws.
- (C) All meetings of the Board shall be open to the public, and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

### **3-2.4 Quorum**

- (A) A quorum for the Board of Adjustment 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) A member who has withdrawn from the meeting without being excused as provided in Section 3-2.5 shall be counted as present for purposes of determining whether a quorum is present.

### **3-2.5 Voting**

- (A) The concurring vote of four-fifths of the regular Board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a conditional use permit) or to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present.
- (B) Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (C) or has been allowed to withdraw from the meeting in accordance with subsection (D).

- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - 1) If the member has a direct financial interest in the outcome of the matter at issue; or
  - 2) If the matter at issue involves the member's own official conduct; or
  - 3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
  - 4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (F) A roll call vote shall be taken for each motion.

### **3-2.6 Board of Adjustment Officers**

- (A) At its first regular meeting in March, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Officer vacancies may be filled for the unexpired terms only by a majority vote of the Board membership (excluding vacant seats).
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- (C) The chairman and vice-chairman of the Board of Adjustment may take part in all deliberations and may vote on all issues.
- (D) A secretary shall be appointed by the Chairman, either from within or outside of the Board membership, to hold office during the term of the Chairman.

### **3-2.7 Powers and Duties of Board of Adjustment**

- (A) The Board of Adjustment shall hear and decide:
  - (1) Appeals from any order, decision, requirement, or interpretation made by the Zoning Administrator, as provided in Section 7-1.

- (2) Applications for conditional use permits, as provided in Section 4-7.7.
  - (3) Applications for general variances, as provided in Section 7-2 and applications for variances from watershed district overlay requirements as provided in Section 7-2.3.
  - (4) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 2-3.2.
  - (5) Any other matter the Board is required to act upon by any other county ordinance.
- (B) The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

### **3-3 ZONING ADMINISTRATOR**

#### **3-3.1 Establishment**

Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned to one or more individuals by the county manager. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the 'Zoning Administrator.' The terms 'staff' and 'administrator' are sometimes used interchangeably with the term 'Zoning Administrator'.

#### **3-3.2 Duties of the Zoning Administrator**

The Zoning Administrator shall:

- (A) Establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- (B) Issue permits and certificates pursuant to this Ordinance;
- (C) Review all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- (D) Interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- (E) Maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
- (F) Periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
- (G) Cause to be investigated violations of this Ordinance;
- (H) Enforce the provisions of this Ordinance;

- (I) Issue notice of corrective action(s) when required;
- (J) Use the remedies provided in this Ordinance to gain compliance;
- (K) Be authorized to gather evidence in support of said activities;
- (L) Receive appeals and forward cases to the appropriate Board;
- (M) Perform the specific flood damage prevention duties delineated in Section 12-2.7; and
- (N) Perform other duties as may be assigned by the Board of Commissioners.

### **3-4 PLANNING DIRECTOR**

#### **3-4.1 Establishment and Duties**

The Planning Director is the administrative head of the planning department. As provided in Article X, the Planning Director is authorized to approve minor subdivision final plats, sketch plans for major subdivisions, final plats of major subdivision, and to perform other duties as authorized by this Ordinance.

### **3-5 BOARD OF COMMISSIONERS**

#### **3-5.1 Duties of the Board of Commissioners**

- (A) The Board of Commissioners, in considering special use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Section 4-7 of this Ordinance. In considering amendments to this Ordinance or the zoning map, the Board of Commissioners shall follow the regular, voting, and other requirements as set forth in other provisions of general law.
- (B) In considering proposed changes in the text of this Ordinance or in the zoning map, the Board of Commissioners acts in its legislative capacity and must proceed in accordance with the requirements of Article VIII.
- (C) The Board of Commissioners, in considering the approval of a site specific development plan (as defined in Section 4-15, Vested Rights), shall follow the procedural requirements set forth in Section 4-7 of this Ordinance for the issuance of a conditional use permit.

### **3-6 TECHNICAL REVIEW COMMITTEE**

#### **3-6.1 Establishment**

There is hereby created a technical advisory committee known as the Technical Review Committee (TRC) consisting of the Planning Director and representatives of the following agencies as designated by the director of each agency: The Edgecombe County Health Department; the Soil Conservation Service; the NC Department of Transportation; Division

of Highways; and the public water and/or sewer utility provider serving the development being reviewed. Depending upon the specific aspects of a development proposal, additional members of the TRC may include representatives, as designated by the director of each agency, of the following agencies: the Edgecombe County School Board and the Tarboro-Edgecombe County Airport Authority.

### **3-6.2 Duties of the Technical Review Committee**

The TRC shall have the following duties:

- (A) To review and comment on the technical aspects of all applications for approval of subdivision plats, major subdivision sketch plans, major site plans, and master development plans.
- (B) To provide the Planning Director, for transmission to the Planning Board, Board of Commissioners, or Board of Adjustment and other appropriate boards and agencies, with reports and recommendations regarding requests for approval before such bodies.
- (C) To perform any other related duties that this Ordinance may authorize or that the Board of Commissioners may direct.

### **3-6.3 Officers**

The Planning Director or his designee shall serve as the chairman of the TRC. The TRC shall appoint a Secretary.

### **3-6.4 Meetings**

- (A) The TRC shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conforming with the review procedures delineated in this Ordinance.
- (B) The TRC may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.