

## ARTICLE 4

### Boards and Commissions

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

*[Amended Nov. 21, 2017 per Ord. 2017-O-18, ZTA-2017-03]*

*[Amended Oct. 6, 2020 per Ord. 2020-O-17, ZTA-2020-02]*

#### 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

4.1-1 OTHER ADVISORY BOARDS. The City of Creedmoor Board of Commissioners may by ordinance establish additional advisory boards as deemed appropriate. The ordinance establishing such boards shall specify the composition and duties of such boards, per G.S. 160D-306.

#### 4.2 Planning Board

4.1-1 AUTHORITY. There is hereby created a Planning Board, pursuant to GS 160D-301 to be known as the City of Creedmoor Planning Board.

4.1-2 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.

4.1-3 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 zoning map amendments (rezoning), text amendments, large site plans, watershed waivers, and other matters on which the City Board of Commissioners seeks advice;
- B. To prepare, review, maintain, monitor, and periodically update and recommend to the City Board of Commissioners a comprehensive plan, and other such plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, analysis for the territory under its jurisdiction, subject to specific direction from the City Board of Commissioners;
- C. To develop and recommend policies, ordinances, development regulations, administrative procedure, and other means for carrying out plans in a coordinated and efficient manner;
- D. To render opinions and make recommendations on all issues, requests, and petitions related to the Creedmoor Development Ordinance and City Plan 2030, including subsequent comprehensive city plans that may be adopted from time to time and that require approval by the City Board of Commissioners;
- E. To facilitate and coordinate citizen engagement and participation in the planning process, as directed by the City Board of Commissioners;
- F. 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
- G. 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.** There is hereby created a Board of Adjustment, pursuant to G.S. 160D-302, to be known as the City of Creedmoor Board of Adjustment.

4.3-2 **MEMBERSHIP.** *[Amended May 2, 2017 per Ord. 2017-O-07]*

- A. **MEMBERS AND TERMS.** The Board of Adjustment shall consist of five members; no more than four members appointed by the City Board of Commissioners and no fewer than one member who is a resident of Creedmoor's extraterritorial area, appointed by the Granville County Board of Commissioners, each member to be appointed for a term of three years, per G.S. 160D-302(a). In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the City Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time.
- 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 of Adjustment and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member, per G.S. 160D-302(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 provisions of this Ordinance in cases where strict application of a particular requirement or the literal interpretation of the Ordinance will create a practical difficult or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
  - C. To hear and decide all matters referred to it or upon which it is required to act under this Ordinance and G.S. 160D.

**4.4 Technical Review Committee**

4.4-1 **AUTHORITY.** An agency known as the Creedmoor Technical Review Committee (TRC) is hereby established pursuant to S.S. 160D-306.

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. Stormwater Administrator
  - 4. City Manager
  - 5. Other agencies/individuals as appropriate
- B. **OFFICERS.** The Planning, Zoning and Subdivision Administrator shall serve as TRC Chair.
- 4.4-3 **POWERS AND DUTIES.** The Technical Review Committee shall have the following powers and duties:
  - A. To review technical aspects of development occurring within the City and the areas within its extraterritorial jurisdiction as specified by this Ordinance;
  - B. To compile a summary of their findings and forward to the Planning Board and Board of Commissioners.

**4.5 Extraterritorial Representation on Boards**

4.5-1 **PROPORTIONAL REPRESENTATION.** The City of Creedmoor shall provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. The population estimates for this calculation shall be updated no less frequently than

after each decennial census. Representation shall be provided by appointing at least one resident of the entire extraterritorial planning and development regulation area to the Planning Board and Board of Adjustment, and any other boards or commissions, as established in this Ordinance.

- 4.5-2 **APPOINTMENT.** Membership of the City of Creedmoor Planning Board and Board of Adjustment may be appointed as agreed by the City of Creedmoor and Granville County. The extraterritorial representatives on a City advisory board authorized by Article 3 of G.S. 160D shall be appointed by the Granville County Board of Commissioners, with jurisdiction over the area. Granville County shall make the appointments within ninety (90) days following the receipt of a request from the City of Creedmoor that the appointments be made. Once the City provides proportional representation, no power available to the City under G.S. 160D is ineffective in its extraterritorial area solely because Granville County appointments have not yet been made. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the Granville County Board of Commissioners may appoint as many other residents of the County as necessary to make up the requisite number. If the Granville County Board of Commissioners fails to make these appointments within ninety (90) days after receiving a resolution from the City of Creedmoor Board of Commissioners requesting that they be made, the City of Creedmoor Board of Commissioners may make them, per G.S. 160D-307.
- 4.5-3 **VOTING RIGHTS.** The extraterritorial representatives on the City of Creedmoor Planning Board and Board of Adjustment have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the City of Creedmoor corporate limits or within the extraterritorial area.

#### **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 and bylaws adopted for the Planning Board, Board of Adjustment, and Technical Review Committee. The rules of procedure adopted for any board or commission shall be kept on file with the City Clerk, the Planning, Zoning and Subdivision Administrator, shall be posted on the City of Creedmoor website, 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.

- 4.6-1 **BYLAWS AND RULES OF PROCEDURE.** Rules of procedure and bylaws that are consistent with the provisions of G.S. 160D may be adopted by the City of Creedmoor Board of Commissioners for any or all boards created by this Ordinance. In the absence of action by the City Board of Commissioners, each board created by this Ordinance is authorized to adopt its own rules of procedure and bylaws that are consistent with G.S. 160D. A copy of any adopted rules of procedure and bylaws shall be maintained by the City Clerk and posted on the City of Creedmoor website. Each board shall keep minutes of its proceedings, per G.S. 160D-308.
- 4.6-2 **APPOINTMENTS TO BOARDS.** Unless specified otherwise, all appointments to boards authorized by G.S. 160D and this Ordinance shall be made by the City of Creedmoor Board of Commissioners. The City Board of Commissioners may establish reasonable procedures to solicit, review, and make appointments, per G.S. 160D-310.
- 4.6-3 **OATH OF OFFICE.** All members appointed to boards established by this Ordinance and consistent with Article 3 of G.S. 160D, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61, per G.S. 160D-309.

#### **4.7 Conflicts of Interest**

- 4.7-1 **CITY BOARD OF COMMISSIONERS.** A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily

identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial business, or other associational relationship.

- 4.7-2 APPOINTED BOARDSS. Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonable likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- 4.7-3 ADMINISTRATIVE STAFF. No staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest as defined herein, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by this Ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under G.S. 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City of Creedmoor to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City of Creedmoor, as determined by the City.
- 4.7-4 QUASI-JUDICIAL DECISIONS. A member of the Board of Adjustment or any board exercising quasi-judicial functions pursuant to G.S. 160D 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 violations of due process 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.
- 4.7-5 RESOLUTION OF OBJECTION. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse herself or himself, the remaining members of the board shall by majority vote rule on the objection.
- 4.7-6 FAMILIAL RELATIONSHIP. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, grandchild. The term includes the step, half, and in-law relationships.

#### **4.8 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. The Planning, Zoning and Subdivision Administrator shall serve as the lead member of the Technical Review Committee, and shall coordinate development reviews and summarize comments from the other TRC members.