

2. REVIEW AND DECISION-MAKING BODIES

2.1. REVIEW AND DECISION-MAKING BODIES

2.1.1. BOARD OF COMMISSIONERS (TOWN BOARD)

A. Powers and Duties.

1. To review, hear, consider, and approve, approve with conditions, or disapprove (as applicable) the following:
 - a. Annexation
 - b. Development Agreement
 - c. Rezoning (Zoning Map Amendment)
 - d. Text Amendment (LDO)
 - e. Special Use Permit
 - f. Vested Rights Certificate/Determination
 - g. Major Subdivision Preliminary Plat
 - h. Design Alternatives (in TC district)
2. To take any other power or duty not delegated to the Planning Board, Board of Adjustment, Town Manager, Land Development Administrator, or other town staff, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this LDO.

B. **Conflicts of Interest.** The Board of Commissioners shall abide by N.C. Gen. Stat. § 160D-109.

C. **Oath.** Members of the Board of Commissioners, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.

2.1.2. PLANNING BOARD

- A. **Purpose and Intent.** The Planning Board exercises its authority consistent with N.C. Gen. Stat. § 160D-301. The Planning Board shall have the ability to exercise the powers and duties granted under this LDO.
- B. **Powers and Duties.** Consistent with N.C. Gen. Stat. § 160D-301, the Planning Board:
1. Prepares, reviews, maintains, monitors, and periodically updates and recommends to the Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
 2. Facilitates and coordinates citizen engagement and participation in the planning process.
 3. Develops and recommends policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 4. Advises the Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by N.C. Gen. Stat. § 160D-604.
 5. Exercises any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
 6. Provides a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
 7. Performs any other related duties that the Board of Commissioners may direct.
 8. The Planning Board shall review and recommend to the Board of Commissioners the following:
 - a. Rezoning (Zoning Map Amendment); and
 - b. Text Amendments (LDO)
 - c. Development Agreements

- C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.
1. The Planning Board shall consist of seven members. Four members shall be citizens living within the corporate limits of the municipality, and three members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.
 2. Members' successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term. Vacancies shall be filled by the legislative body responsible for the original appointment.
- D. **By-Laws and Rules of Procedure.** The Planning Board shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.
- E. **Conflicts of Interest.** The Planning Board shall abide by N.C. Gen. Stat. § 160D-109.
- F. **Oath.** Members of the Planning Board, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.
- G. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Planning Board, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

2.1.3. BOARD OF ADJUSTMENT

- A. **Purpose and Intent.** The Board of Adjustment exercises its authority consistent with N.C. Gen. Stat. § 160D-302.
- B. **Powers and Duties.** The Board of Adjustment shall review and decide:

1. Appeals; and
 2. Variances.
- C. **Membership.** Membership will comply with N.C. Gen. Stat. § 160D-302 and N.C. Gen. Stat. § 160D-307.
1. The Board of Adjustment shall consist of five members. Three members shall be citizens living within the corporate limits of the municipality, and two members shall be residents of the county living within the extraterritorial jurisdiction. The members residing within the municipality shall be appointed by the Board of Commissioners, and the members residing within the extraterritorial jurisdiction shall be appointed by the Board of County Commissioners upon receipt of a resolution from the Board of Commissioners requesting that those appointments be made. In the event the Board of County Commissioners fails to make the appointments requested within 90 days of receipt of the resolution, the Board of Commissioners shall make the appointments.
- D. **By-Laws and Rules of Procedure.** The Board of Adjustment shall maintain by-laws which shall be updated once a year. By-laws shall be consistent with N.C. Gen. Stat. § 160D-308.
- E. **Decisions and Appeals.** Quasi-judicial (evidentiary) decisions shall be in accordance with N.C. Gen. Stat. § 160D-405 and 160D-406.
- F. **Conflicts of Interest.** The Board of Adjustment shall abide by N.C. Gen. Stat. § 160D-109.
- G. **Oath.** Members of the Board of Adjustment, before entering their duties, shall qualify by taking an oath as required by N.C. Gen. Stat. § 160D-309.
- H. **Voting Rights.** Members appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties with the other members of the Board of Adjustment, regardless of whether the matters at issue arise within the city or within the extraterritorial area.

2.1.4. TOWN MANAGER

- A. **Powers and Duties.** The Town Manager is a town employee responsible for administering and managing the various responsibilities of the town per the Board of Commissioners. In the event the Land Development Administrator position is vacant, the duties specified for the Land Development Administrator shall be carried out by the Town Manager.

2.1.5. TECHNICAL REVIEW COMMITTEE (TRC)

- A. **Purpose and Intent.** The Technical Review Committee shall exercise their duties and power per this LDO. The Technical Review Committee, referred to in this LDO as the “TRC”, is an administrative body consisting of the various staff departments related to development at the town. The TRC consists of departments or outside agencies needed to review and analyze the various review procedures detailed in this LDO and the Land Development Ordinance Handbook.
- B. **Conflicts of Interest.** The Technical Review Committee shall abide by N.C. Gen. Stat. § 160D-109.

2.1.6. LAND DEVELOPMENT ADMINISTRATOR (LDA)

- A. **Purpose and Intent.** The Land Development Administrator, referred to in this LDO as the “LDA” shall exercise their duties and power per this LDO. The LDA shall be responsible for all administrative planning roles within this LDO. The Planning Director shall serve as the Land Development Administrator.
- B. **Powers and Duties.** The LDA, or their designee(s), shall be responsible for:
1. Administration and coordination of the town's planning program, including supervising planning studies and reports, assembling data, preparing maps, maintaining an information system, developing planning policy, and implementing the community planning process.
 2. Providing staff support and technical assistance to the Board of Commissioners, Planning Board, and Board of Adjustment.
 3. Providing liaison information and technical assistance to citizens, community groups, other governments, the development community, and other stakeholders.

4. Administration of land use controls such as those contained in this LDO, and their technical maintenance.
 5. Enforcement of the provisions of this LDO.
 6. Review of modifications that do not involve a change in uses permitted, or a decrease in the density of overall development, may be reviewed and approved administratively by the LDA.
 7. Other duties as assigned by the Town Manager.
- C. **Conflicts of Interest.** The Land Development Administrator shall abide by N.C. Gen. Stat. § 160D-109.

2.2. REVIEW PROCEDURES

- A. **Land Development Ordinance Handbook.** All review procedures for processes delineated in this LDO shall be contained [in](#) Appendix A: Land Development Ordinance Handbook (Handbook). The Handbook may be requested from the Planning Department. All review procedures shall be in accordance with the handbook, town code, and state and federal law.
- B. **Notification Requirements.** All notification requirements will be followed in accordance with N.C. Gen. Stat. § 160D unless additional requirements are otherwise noted in the Handbook.

2.3. VESTED RIGHTS

- A. **Purpose.** N.C. Gen. Stat. § 160D-108 and 108.1 recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses, and to establish a clear procedure for an applicant to receive reasonable certainty, stability, and fairness in the development regulation process to secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. These provisions strike an appropriate balance between private expectations and the public interest.
- B. **Permit Choice.** Permit choice is permitted per N.C. Gen. Stat. § 160D-108(b).

- C. **Process to Claim a Vested Right.** A person claiming a statutory or common law vested right may submit information in accordance with N.C. Gen. Stat. § 160D-108(h) and the establishment of a vested right is defined in N.C. Gen. Stat. § 160D-108.1(b).