

CHAPTER 2. REVIEW BODIES AND ADMINISTRATOR

SECTION 2.1. GENERALLY

A. REVIEW BODIES ESTABLISHED

The following review bodies have powers and responsibilities for administering this Ordinance:

1. The Board of Commissioners;
2. The Planning Board;
3. The Board of Adjustment;
4. The Subdivision Review Board; and
5. The Administrator.

B. ALL MEETINGS SHALL BE OPEN

Except for closed session meetings conducted by the Board of Commissioners, all meetings of elected or appointed review bodies under this Ordinance shall be open to the public in accordance with NCGS §143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the County Code of Ordinances, the County's Adopted Comprehensive Land Use Plan, and rules of procedure adopted by the respective review bodies.

C. RULES OF PROCEDURE

Except for the Administrator, each review body established in this Ordinance shall adopt formal rules of procedure consistent with the level of decision-making delegated to that body. Adopted rules of procedure shall be kept on file in the County's offices, are available for public inspection, and shall be maintained by the designated staff to the review body.

D. OATH OF OFFICE

All review body members (including the Administrator) who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The County Clerk shall maintain a record of the oath's administration.

E. CONFLICT OF INTEREST

1. LEGISLATIVE AND ADMINISTRATIVE DECISIONS

- i. A review body member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with NCGS §160D-109.
- ii. A review body member shall not vote on an application where the landowner or applicant is a person with whom the member has a close familial, business, or other associational relationship. For the purposes of this section, "close familial relationship" means spouse, parent, child, brother, sister, grandparent, or grandchild, including step, half, and in-law relationships.

2. QUASI-JUDICIAL DECISIONS

- i. A review body member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker.
- ii. 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; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.

3. RECUSAL

- i. If a conflict of interest exists, then a review body member shall recuse themselves from participating in and voting on an application.
- ii. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

F. MINUTES AND RECORDS

1. Accurate minutes of each meeting shall be maintained by each review body showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. Each review body shall keep records of its examinations and official actions.
2. All minutes and records from Board of County Commissioners meetings shall be filed in the office of the County Clerk for the public record.
3. All minutes and records from Planning Board, Board of Adjustment, and Subdivision Review Board meetings shall be filed in the offices of the Planning Department for the public record.

G. REGULAR MEETINGS

All review bodies shall meet at regularly scheduled times and at such other times as determined by the Chairperson as provided for in the rules of procedure. Special meetings may be called at any time by the Chairperson or by request of a majority of the members of the review body.

H. STAFF TO BOARDS

Other than the Board of Commissioners, the Administrator or a designee shall serve as staff to the review bodies identified in this Ordinance.

SECTION 2.2. BOARD OF COMMISSIONERS**A. POWERS AND DUTIES**

The Board of Commissioners shall have decision-making authority on the following requests:

1. Amendments to the UDO text and the Official Zoning Map;
2. Special use permits;
3. Conditional rezonings;
4. Major preliminary subdivision plats;
5. Vested rights extensions;
6. Extraterritorial jurisdiction (ETJ) expansions;
7. Amendments to the Comprehensive Land Use Plan for Moore County.

B. APPEALS AND CHALLENGES

Appeals of quasi-judicial decisions and challenges of legislative decisions made by the Board of Commissioners shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

C. EXTRATERRITORIAL JURISDICTION (ETJ) EXPANSIONS

In accordance with NCGS §160D-202, a request by the municipality to extend its extraterritorial jurisdiction by more than one mile beyond its corporate limits should include a parcel map and municipal approval of the proposed ETJ expansion. The Planning Board and Board of Commissioners shall hold public hearings. Notice of the public hearings shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s) and the owner(s) of the parcel(s) of land shown on the County tax records at least 10, but not more than 25 days, prior to the date of each public hearing. If the ETJ expansion is approved, a resolution approving an agreement between the County of Moore and the municipality must be signed by the Chairman of the Board of Commissioners.

D. FEE SCHEDULE

The Board of Commissioners shall adopt annually, via ordinance, a schedule of fees and fines associated with this Ordinance.

SECTION 2.3. PLANNING BOARD**A. POWERS AND DUTIES**

The Planning Board is hereby established in accordance with NCGS §160D-301 and shall perform any related duties as directed by the Board of Commissioners, including coordinating citizen engagement in the development of Adopted Comprehensive Land Use Plan.

B. RECOMMENDATIONS

The Planning Board shall review and make recommendations on the following requests:

1. Amendments to the UDO text and the Official Zoning Map;
2. Conditional rezonings;
3. Extraterritorial jurisdiction (ETJ) expansions; and
4. Amendments to the Comprehensive Land Use Plan for Moore County.

C. DECISION-MAKING AUTHORITY

The Planning Board shall act as the Watershed Review Board and have decision-making authority on the following requests:

1. Special non-residential intensity allocations (SNIA);
2. Watershed density averaging certificates;
3. Public health and/or water quality abatements;
4. Proposed major watershed variance approvals (for further consideration by the Environmental Management Commission); and
5. Minor watershed variances.

D. QUORUM

No official business of the Planning Board may be conducted without a quorum present. For any and all matters there shall be present a quorum in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

E. VOTING

1. Except for decisions on minor watershed variances and proposed decisions on major watershed variances, an affirmative vote of the majority of Planning Board members constituting a quorum is required for all decisions. The Chairperson shall vote as any other member.
2. The concurring vote of four-fifths of the Watershed Review Board members shall be necessary to grant a minor watershed variance or a proposed major watershed variance. Proposed major watershed variance approvals must also be approved by the Environmental Management Commission before becoming effective.

F. APPEALS AND CHALLENGES

Appeals of quasi-judicial decisions and challenges of legislative decisions made by the Watershed Review Board shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

SECTION 2.4. BOARD OF ADJUSTMENT**A. POWERS AND DUTIES**

The Board of Adjustment is hereby established in accordance with NCGS §160D-302 and shall perform related duties as directed by the Board of Commissioners. The Board of Adjustment shall have decision-making authority on the following requests:

1. Variances, except for minor watershed variance applications;
2. Reasonable accommodations; and
3. Administrative appeals.

B. QUORUM

No official business of the Board of Adjustment may be conducted without a quorum present. For taking action on an appeal or reasonable accommodation, there shall be present a quorum of at least three members from the entire Board of Adjustment. For taking action on a variance, there shall be present a quorum of at least four members from the entire Board of Adjustment.

C. VOTING

The concurring vote of four-fifths of the Board of Adjustment members shall be necessary to grant a variance. A simple majority of the Board of Adjustment members shall be required to decide any other matter. Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.

D. APPEALS

Appeals of quasi-judicial decisions made by the Board of Adjustment shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

SECTION 2.5. SUBDIVISION REVIEW BOARD**A. POWERS AND DUTIES**

1. The Subdivision Review Board is hereby established in accordance with NCGS §160D-306 and shall perform related duties as directed by the Board of Commissioners.
2. The Subdivision Review Board shall review applications on major preliminary subdivision plats.

B. QUORUM

No official business of the Subdivision Review Board may be conducted without a quorum present. For any and all matters there shall be present a quorum in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

C. VOTING

An affirmative vote of the majority of Subdivision Review Board members constituting a quorum is required for all recommendations. The Chairperson shall vote as any other member.

SECTION 2.6. THE ADMINISTRATOR**A. DESIGNATION**

Except as otherwise specified in this Ordinance, the Planning Director, and their designees, are appointed to serve as the "Administrator" of this UDO. The term "Staff" or "Planning Staff" may be used interchangeably with the term "Administrator." The Administrator shall be responsible for administration and enforcement of this Ordinance.:

B. RECOMMENDATIONS

The Administrator shall review and make recommendations on the following requests:

1. Concept plans associated with a conditional rezoning prior to consideration by the Planning Board;
2. Planned development master plans prior to consideration by the Planning Board;
3. Site plans associated with special use permit applications prior to consideration by the Board of Commissioners; and
4. Site plans to be considered as site-specific vesting plans by the Board of Commissioners.

C. DECISION-MAKING AUTHORITY

The Administrator shall have decision-making authority on the following requests:

1. Zoning permits;
2. Site plans;
3. Floodplain development permits;
4. Minor subdivision plats;
5. Limited subdivision plats;
6. Family subdivision plats;
7. Exemption plats;
8. Major final subdivision plats;
9. Water Supply Watershed-related application approvals;
10. Determinations; and
11. Administrative adjustments.

D. OTHER POWERS AND DUTIES

The Administrator shall also have the following other responsibilities under this Ordinance:

1. Conduct pre-application conferences;
2. Serve as the Floodplain Administrator;
3. Serve as the Watershed Administrator;
4. Maintain the Official Zoning Map and related materials;
5. Interpret the boundaries of the Official Zoning Map;
6. Establish and maintain application forms;
7. Determine application completeness;
8. Provide expertise and technical assistance to the County's review bodies;
9. Maintain records pertaining to the provisions of this Ordinance and make records available for public inspection; and
10. Related duties as directed by the Board of Commissioners.