

13

REVIEWING & DECISION-MAKING BODIES

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CONTENTS

CHAPTER 13 REVIEWING & DECISION-MAKING BODIES..... 13-3

13.1 ELECTED & APPOINTED BODIES 13-3

13.1.1 PLANNING BOARD13-3

13.1.2 BOARD OF ADJUSTMENT13-3

13.1.3 APPEARANCE COMMISSION.....13-6

13.1.4 ENVIRONMENTAL REVIEW ADVISORY COMMITTEE13-6

13.2 ADMINISTRATIVE BODIES 13-7

13.2.1 CENTRAL PERMITTING & INSPECTIONS DIRECTOR.....13-7

13.2.2 COUNTY MANAGER.....13-7

13.2.3 ENVIRONMENTAL HEALTH DIRECTOR.....13-7

13.2.4 ENVIRONMENTAL QUALITY DIRECTOR.....13-8

13.2.5 FIRE MARSHAL.....13-8

13.2.6 FLOODPLAIN ADMINISTRATOR.....13-8

13.2.7 MANAGEMENT INFORMATION SYSTEMS DIRECTOR.....13-8

13.2.8 PLANNING DIRECTOR.....13-8

13.2.9 STORMWATER ADMINISTRATOR13-9

13.2.10 SUBDIVISION ADMINISTRATOR13-9

13.2.11 TECHNICAL REVIEW COMMITTEE13-11

13.2.12 WATERSHED PROTECTION DIRECTOR13-12

13.2.13 ZONING ADMINISTRATOR.....13-12

13.2.14 CONFLICTS OF INTEREST13-14

CHAPTER 13 REVIEWING & DECISION-MAKING BODIES

13.1 ELECTED & APPOINTED BODIES¹

13.1.1 PLANNING BOARD

- A. The Planning Board is an advisory body.
- B. As authorized by N.C.G.S. [§ 160D-301 Planning boards](#), the Planning Board is organized and has the powers assigned by the [Ordinance Establishing a Planning Board for Chatham County, North Carolina](#), as amended, and its [Rules of Procedure](#).
- C. In addition to the duties specified in the ordinance and rules referenced in 13.1.1A, above, the Planning Board also has the following duties in the administration and enforcement of this UDO:
 - 1. Provide a recommendation for approval, approval with conditions, or denial on all Major Subdivision Sketch Plan applications (see [Section 12.3](#));
 - 2. Provide a recommendation for approval or denial on all Conventional District Rezoning applications (see [Section 12.8](#));
 - 3. Provide a recommendation for approval, approval with conditions, or denial on all Conditional District Rezoning applications (see [Section 12.9](#)); and
 - 4. Provide a recommendation for approval, approval with modifications, or denial on all UDO Text Amendment applications (see [Section 12.11](#)).

13.1.2 BOARD OF ADJUSTMENT

- A. **Establishment of Board of Adjustment.** This Subsection establishes the Chatham County Board of Adjustment (BOA) in accordance with N.C.G.S. [§ 160D-302](#).

¹ This Section specifies role of each elected and appointed body with respect to UDO approval processes and administration.

- B. **Role.** The Board of Adjustment is a decision-making body.
- C. **Rules of Procedure.** The Board of Adjustment periodically adopts Rules of Procedure that supplement the duties and procedures specified in this UDO.
- D. **Membership.²**
1. *Generally.* The BOA consists of five regular members and two alternate members appointed by the Board of Commissioners. All members must be residents of Chatham County.
 2. *Regular Members.*
 - (a) The Board of Commissioners must appoint one regular member from each of the five Board of Commissioner districts, unless there are no applicants from a district, or the Board of Commissioners determines that an applicant from another district possesses superior skills and qualifications.
 - (b) If the Board of Commissioner districts are redrawn, modified, or changed such that a regular member of the BOA is no longer a resident of the district they were appointed from, the member shall continue to serve on the BOA until their term expires if they continue to be a resident of Chatham County.
 3. *Alternate Members.*
 - (a) The Board of Commissioners appoints alternate members at-large and not from districts.
 - (b) An alternate member may participate in lieu of a regular member who is unable to participate on any matter coming before the BOA and, when so seated, an alternate member has the same powers and duties as a regular member.
- E. **Terms.³**
1. The regular and alternate members are appointed for three-year staggered terms, but both regular members and alternate members

² Carries forward a portion of ZO Section 18.1 *Board of Adjustment Created* with revisions to simplify the text. Removes references to “Board of Adjustment districts” as BOA members can simply be appointed by Board of Commissioner district.

³ Carries forward a portion of ZO Section 18.1 *Board of Adjustment Created*.

must continue to serve until their successors have been duly appointed and qualified.

2. If a regular or alternate member ceases to be a resident of Chatham County, their term expires on the date a replacement member is duly appointed and qualified.
3. The Board of Commissioners shall fill all vacancies on the BOA.

F. Powers & Duties.

1. *Issuance of Subpoenas.* In the exercise of its powers and duties, the BOA through its Chair or, in the Chair's absence, anyone acting as Chair may subpoena witnesses and compel the production of evidence.
2. *Appeals of Administrative Decisions.* The BOA has the duty to hear and decide appeals where it is alleged there is error in any decision made by any administrative official in the enforcement of this UDO. [See [Section 12.2: Appeals of Administrative Decisions](#)]
3. *Variations.* The BOA has the power to vary or modify any of the regulations or provisions of this UDO relating to the construction or alteration of buildings or structures where there are unnecessary hardships in the way of carrying out the strict letter of this UDO. [See [Section 12.12: Variations](#)]

G. Meetings.

1. Meetings of the BOA are held at the call of the Chair or any two other members of the BOA and at such other times as the BOA may determine.
2. The BOA must adopt rules governing its organization and all proceedings coming before the Board, which must be in accordance with N.C.G.S. [§ 160D-308 Rules of procedure](#).⁴
3. All BOA meetings must be open meetings in accordance with the North Carolina Open Meeting law (N.C.G.S. Chapter 143, [Article 33C Meetings of Public Bodies](#)).

H. Voting.

⁴ Replaces current statutory reference in ZO Section 18.2 *Meetings* (N.C.G.S. § 160D-302 *Boards of adjustment*) with N.C.G.S. § 160D-308 since § 160D-302 does not address board proceedings.

1. A BOA member 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:
 - (a) A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
 - (b) Undisclosed ex parte communications;
 - (c) A close familial, business, or other associational relationship with an affected person; or
 - (d) A financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection.

13.1.3 APPEARANCE COMMISSION

- A. The Appearance Commission is an advisory body.
- B. The Appearance Commission is organized and has the powers assigned by Chatham County Code [§§ 31.01](#) et seq.
- C. In addition to the duties specified in [§§ 31.01](#) et seq., the Appearance Commission also has the following duties in the administration and enforcement of this UDO:
 1. To provide applicants for Conditional District Rezoning with recommendations for changes to landscape plans, exterior lighting plans, parking area designs, signs, and, if provided by the applicant, building elevations (see [Section 12.9](#)); and
 2. To provide recommendations for approval or approval with conditions of all Zoning Compliance Permit applications for non-residential uses and apartment complexes (see [Section 12.13](#)).

13.1.4 ENVIRONMENTAL REVIEW ADVISORY COMMITTEE

- A. The Environmental Review Advisory Committee (ERAC) is an advisory body.
- B. The ERAC is organized and has the powers assigned by the [Chatham County Citizen Advisory Committees Policy](#) and [Addendum A](#) thereto, as amended.

- C. In addition to the duties specified in the policy referenced in 13.1.4B, above, the ERAC has the duty to review and provide comments on Environmental Impact Assessments when required by Chapter 12: Procedures. [See Section 18.3: Environmental Impact Assessment]

13.2 ADMINISTRATIVE BODIES⁵

13.2.1 CENTRAL PERMITTING & INSPECTIONS DIRECTOR

In the administration and enforcement of this UDO, the Central Permitting & Inspections Director has the duty to participate on the Technical Review Committee.

13.2.2 COUNTY MANAGER

In the administration and enforcement of this UDO, the County Manager has the duty to serve as Floodplain Administrator, as specified in Chapter 11: Flood Damage Prevention, unless the Manager designates another staff person to serve in this role.

13.2.3 ENVIRONMENTAL HEALTH DIRECTOR

The Environmental Health Director has the following duties in the administration and enforcement of this UDO:

- A. Review and provide recommendations related to private water supply systems;
- B. Review and provide recommendations related to on-site wastewater (septic) systems;
- C. Participate on the Technical Review Committee; and
- D. Issue permits for the operation of mobile food units.

⁵ This Section specifies the role of each administrative body with respect to UDO administration and approval processes. The definition of each of these bodies (other than TRC) includes “or their designee.” This allows for internal delegation of responsibilities without having to amend the UDO.

13.2.4 ENVIRONMENTAL QUALITY DIRECTOR

In the administration and enforcement of this UDO, the Environmental Quality Director has the duty to participate on the Technical Review Committee.

13.2.5 FIRE MARSHAL

The Fire Marshal has the following duties in the administration and enforcement of this UDO:

- A. Enforce the provisions in [Section 4.3: Fire Protection](#); and
- B. Participate on the Technical Review Committee.

13.2.6 FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator has the following duties in the administration and enforcement of this UDO:

- A. Administer and enforce [Chapter 11: Flood Damage Prevention](#); and
- B. Participate on the Technical Review Committee.

13.2.7 MANAGEMENT INFORMATION SYSTEMS DIRECTOR

In the administration and enforcement of this UDO, the Management Information Systems Director has the duty to assist the Planning Director in updating the County's spatial databases entitled "Zoning" and "Zoning Overlays," which the County maintains as part of its geographic information system (GIS).

13.2.8 PLANNING DIRECTOR

- A. Unless otherwise specified in the UDO sections or chapters listed below, the Planning Director is not involved in the administration or enforcement of these sections and chapters, which other staff members administer and enforce as described in each chapter:
 - 1. [Section 4.3: Fire Protection](#);
 - 2. [Chapter 8: Watershed Protection](#);
 - 3. [Chapter 9: Stormwater Management](#);
 - 4. [Chapter 10: Soil Erosion & Sedimentation Control](#); and

5. **Chapter 11: Flood Damage Prevention.**
- B. The Planning Director has the following duties in the administration and enforcement of this UDO:
1. Advise applicants for permits concerning the provisions of this UDO and assist applicants in preparing applications;
 2. Receive and forward to the Planning Board all complete applications that require its review, pursuant to **Chapter 12: Procedures**;
 3. Provide public notice as required by **Chapter 12: Procedures**;
 4. Perform field inspections as needed for individual applications to verify compliance with this UDO;
 5. Provide public information relative to this UDO;
 6. Maintain permanent and current records of matters pertaining to this UDO, including:
 - (a) All original and current zoning maps; and
 - (b) UDO text and map amendments.
 7. Execute any and all reports as the Board of Commissioners may require; and
 8. Coordinate with other County departments and outside agencies as needed in the execution of these duties.

13.2.9 STORMWATER ADMINISTRATOR

The Stormwater Administrator has the following duties in the administration and enforcement of this UDO:

- A. Administer and enforce **Chapter 9: Stormwater Management**; and
- B. Participate on the Technical Review Committee.

13.2.10 SUBDIVISION ADMINISTRATOR

- A. The Subdivision Administrator is not involved in the administration or enforcement of the UDO sections and chapters listed below, which other staff members administer and enforce as described in each chapter:

1. [Section 4.3: Fire Protection](#);
 2. [Chapter 8: Watershed Protection](#);
 3. [Chapter 9: Stormwater Management](#);
 4. [Chapter 10: Soil Erosion & Sedimentation Control](#); and
 5. [Chapter 11: Flood Damage Prevention](#).
- B. The Subdivision Administrator has the following duties in the administration and enforcement of this UDO:
1. Advise applicants for permits concerning the provisions of this UDO and assist applicants in preparing applications;
 2. Receive, file, and forward to the reviewing and decision-making bodies Major Subdivision Sketch Plan applications (see [Section 12.3](#));
 3. Receive, review, and act on Major Subdivision Preliminary Plat applications (see [Section 12.4](#));
 4. Receive, review, and act on Major Subdivision Construction Plan applications (see [Section 12.5](#));
 5. Receive, review, and act on Major Subdivision Final Plat applications (see [Section 12.6](#));
 6. Develop interpretations of ambiguities in this UDO and other issues in accordance with [Section 12.10: UDO Interpretations](#);
 7. Provide public notice as required by [Chapter 12: Procedures](#);
 8. Provide public information relative to this UDO;
 9. Conduct inspections and perform field inspections as needed for individual applications to verify compliance with this UDO;
 10. Maintain permanent and current records and files of any and all matters referred to them;
 11. Execute any and all reports as the Board of Commissioners may require;
 12. Investigate UDO violations; issue citations, warnings, or notices where such violations exist; follow up on violations until the situation has been

- properly remedied; and attend court hearings and testify concerning UDO violations;
13. Take any action specified in **15.3.3: Action by Zoning Administrator or Subdivision Administrator** to ensure compliance with or prevent violations of the UDO;
 14. Coordinate with other County departments and outside agencies as needed in the execution of these duties; and
 15. Other general requirements the County deems necessary to administer this UDO.

13.2.11 TECHNICAL REVIEW COMMITTEE

A. **Members.**

1. The Technical Review Committee (TRC) is an administrative committee composed of staff from various departments in Chatham County government and representatives of other local, state, and federal agencies.
2. The TRC may be composed of staff members from the following departments:
 - (a) Central Permitting & Inspections Department;
 - (b) Environmental Health Department;
 - (c) Planning Department; and
 - (d) Watershed Protection Department.
3. Staff from other departments or outside agencies may be consulted on a case-by-case basis, depending on the complexity of the proposed project.

B. **Duties.** The Technical Review Committee has the following duties in the administration and enforcement of this UDO:

1. Review and provide recommendations on Major Subdivision Sketch Plan applications;
2. Review and provide recommendations on Major Subdivision Preliminary Plat applications;

3. Review and provide recommendations on Major Subdivision Construction Plan applications;
4. Review and provide recommendations on Major Subdivision Final Plat applications; and
5. Review and provide recommendations on Conditional District Rezoning applications.

13.2.12 WATERSHED PROTECTION DIRECTOR

The Watershed Protection Director has the following duties in the administration and enforcement of this UDO:

- A. Administer and enforce [Chapter 8: Watershed Protection](#);
- B. Administer and enforce [Chapter 10: Soil Erosion & Sedimentation Control](#);
- C. Serve as Watershed Administrator (see [9.7.1.A: Watershed Administrator](#));
- D. Participate on the Technical Review Committee; and
- E. Review and provide comments on environmental documentation and Environmental Impact Assessments when required by [Chapter 12: Procedures](#). [See [Section 18.2: Environmental Documentation](#) and [Section 18.3: Environmental Impact Assessment](#)]

13.2.13 ZONING ADMINISTRATOR

- A. The Zoning Administrator is not involved in the administration or enforcement of the UDO sections and chapters listed below, which other staff members administer and enforce as described in each chapter:
 1. [Section 4.3: Fire Protection](#);
 2. [Chapter 8: Watershed Protection](#);
 3. [Chapter 9: Stormwater Management](#);
 4. [Chapter 10: Soil Erosion & Sedimentation Control](#); and
 5. [Chapter 11: Flood Damage Prevention](#).
- B. The Zoning Administrator has the following duties in the administration and enforcement of this UDO:

1. Advise applicants for permits concerning the provisions of this UDO and assist applicants in preparing applications;
2. Receive, review, and act on Zoning Compliance Permit applications (see [Section 12.13](#));
3. Receive, file, and forward to the Board of Adjustment all complete applications that require its review, pursuant to [Chapter 12: Procedures](#);
4. Receive, file, and forward to the Appearance Commission all complete applications that require its review, pursuant to [Chapter 12: Procedures](#);
5. Review applications for zoning compliance permits, as needed, to verify compliance with the UDO;
6. Develop interpretations of ambiguities in this UDO and other issues in accordance with [Section 12.10: UDO Interpretations](#);
7. Make unlisted use determinations in accordance with [3.2.2: Classification of New & Unlisted Uses](#);
8. Provide public notice as required by [Chapter 12: Procedures](#);
9. Provide public information relative to this UDO;
10. Conduct inspections and perform field inspections as needed for individual applications to verify compliance with this UDO;
11. Maintain permanent and current records and files of any and all matters referred to them;
12. Execute any and all reports as the Board of Commissioners may require;
13. Investigate UDO violations; issue citations, warnings, or notices where such violations exist; follow up on violations until the situation has been properly remedied; and attend court hearings and testify concerning UDO violations;
14. Take any action specified in [15.3.3: Action by Zoning Administrator or Subdivision Administrator](#) to ensure compliance with or prevent violations of the UDO;
15. Coordinate with other County departments and outside agencies as needed in the execution of these duties; and

16. Other general requirements the County deems necessary to administer this UDO.

13.2.14 CONFLICTS OF INTEREST⁶

- A. In accordance with N.C.G.S. [§ 160D-109: Conflicts of interest](#):
 1. A staff member shall not make a final administrative decision required by this UDO if:
 - (a) The outcome of that decision would have a direct, substantial, and readily identifiable financial impact of the staff member; or
 - (b) The applicant or other person subject to that decision is a person with whom the staff member has close familial, business, or other associational relationship.
 2. If a staff member has a conflict of interest, the staff person's supervisor or the supervisor's designee must make the final administrative decision.
- B. A staff member shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this UDO unless the staff member is the owner of the land or building involved.
- C. A staff member or other individual or an employee of a company contracting with Chatham County to provide staff support shall not engage in any work that is inconsistent with their duties or with the interest of Chatham County, as determined by the County.

⁶ Carries forward ZO Section 8.10 *Conflicts of Interest* and adds the second paragraph in § 160D-109(c).