

## Article 14. Boards and Commissions

### 14.1 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Planning Board
- Zoning Board of Adjustment
- Technical Review Committee (TRC)

All boards and commissions shall follow the rules of procedure outlined in *Suggested Rules of Procedure for Small Local Government Boards*, published by the Institute of Government, as amended by the Board of Commissioners.

#### A. Planning Board

The authority to establish a Planning Board for the Town of Fletcher is granted under the authority of G.S. 160D-301.

##### 1. Authority and Responsibility

The Planning Board shall have the following duties and responsibilities:

- a. To review and make a recommendation to Town Council on Text Amendments, Rezonings, Conditional Districts, and Special Use Permits, in accordance with procedures as outlined in Article 15 of this Code.
- b. Preliminary Plat Approval for Major Subdivisions
  - (1) Approve or deny the preliminary plat subdivision (by majority vote); or,
  - (2) Recommend major and/or minor changes to the preliminary plat to be considered by the developer; or,
  - (3) Conditionally approve preliminary plats subject to final review by Town Staff; or,
  - (4) Table the preliminary plat for further study or additional information; or,
- c. To render opinions and make recommendations on all issues and petitions related to the Code and other land use plans which may be adopted from time to time which require approval by the Town Council. When such matters involve particular properties, the owners of such affected properties as well as owners of abutting properties shall be notified of the meeting at which the matter will be discussed by the Board and shall have the right to provide public input to the Board.

- d. Site Plans within the Heart of Fletcher Overlay
  - (1) Approve or deny the site plan (by majority vote); or,
  - (2) Recommend major and/or minor changes to the site plan to be considered by the developer; or,
  - (3) Conditionally approve the site plan subject to final review by Town Staff; or,
  - (4) Table the site plan for further study or additional information.

**2. Membership and Terms of Office**

- a. The Planning Board shall consist of a total of eight (8) members with one (1) representative per Council District, three (3) at large members, and one (1) member residing in the extraterritorial jurisdiction. In accordance with G.S. 160D-301; the total membership of the Planning Board shall be proportional to the population of residents of the Town and residents in the ETJ area.
- b. Representatives from within the corporate limits shall be appointed by the Fletcher Town Council. Representatives from the ETJ area shall be appointed by the Henderson County Board of Commissioners.
- c. The term of office shall be three years staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- d. The Planning Board shall elect the Planning Board chair from among its members. The chair shall serve a one-year term.

**B. Zoning Board of Adjustment**

The authority to establish a Zoning Board of Adjustment is granted under the authority of G.S. 160D-302.

**1. Authority and Responsibility**

The Zoning Board of Adjustment shall have the following duties and responsibilities:

- a. To hear and decide appeals from any order, decision, determination, or interpretation made by the Administrator pursuant to or regarding these regulations.
- b. To hear and decide petitions for variances from the requirements of these regulations.
- c. To make an interpretation of any portion of this Code.

- d. To change the use of or expand certain nonconformities.

## 2. Membership and Terms of Office

- e. The Zoning Board of Adjustment shall consist of a total of eight (8) members with four (4) members appointed by Council District, one (1) member appointed at-large, and one (1) member residing in the ETJ. In accordance with G.S. 160D-302, the total membership of the Zoning Board of Adjustment shall be proportional to the population of residents of the Town and residents in the ETJ area. Two (2) of the ZBA members shall be designated as alternates that will participate only as needed in instances where a quorum, is not reached by the other six members.
- f. Representatives from within the corporate limits shall be appointed by the Fletcher Town Council. Representatives from the ETJ area shall be appointed by the Henderson County Board of Commissioners.
- g. The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- h. The Zoning Board of Adjustment shall elect the chair and vice-chair from among its members. They shall each serve a one-year term.

## C. Technical Review Committee

The Technical Review Committee (TRC) is an informal committee that shall meet as needed to determine technical compliance with the provisions of this Code. Membership shall be comprised of the Planning Director or designee, the Zoning Administrator or designee, and one volunteer resident, preferably with an engineering, architectural, or similar land use background. The TRC will consult with the Public Works, Police, or other departments as necessary. TRC review will be primarily oriented toward review of projects in C-1 and CBD. This review shall not negate other applicable reviews or approvals required within this code.

## 14.2 Meetings and General Procedures

All Boards and Commission meeting and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedures adopted by the Planning Board and Zoning Board of Adjustments. Such rules of procedure may be approved by the Town Council.

## 14.3 Staff

The Administrator shall serve as staff to the Planning Board and Zoning Board of Adjustment for the Town of Fletcher and ETJ.

**14.4 Attendance Policy**

Any member of a Board or Committee who attends less than 75% of the regular and special meetings held by the board during any one year period may be removed from the board by the Town Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided. The Chairman of the board or committee shall notify the proper appointing authority if a member is absent 25% of the meetings, and a new appointment may be made by the Town Council to fill that vacancy.

**14.5 Conflicts of Interest**

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably 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.