

TOWN OF SUNSET BEACH NORTH CAROLINA ZONING BOARD OF ADJUSTMENT

RULES OF PROCEDURE Approved XX by Board of Adjustment

I. GENERAL RULES

The Zoning Board of Adjustment shall be governed by the Terms of the Town: Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and by the Unified Development Ordinance of the Town of Sunset Beach. All members of the Board shall thoroughly familiarize themselves with these rules of procedure.

II. OFFICERS AND DUTIES

A. Chairman.

The Chairman shall be elected by its full membership (including Alternate and Extraterritorial members) of the Board of Adjustment from among the members. The Chairman's term of office shall be one year. The election shall be held in September of each year or until his/her successor is elected, and he/she shall be eligible for re-election. The Chairman shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board.

B. Vice Chairman.

A Vice Chairman shall be elected by the full Board from among its members in the same manner and for the same term as the Chairman. He/She shall serve as Acting Chairman in the Chairman's absence, and at such times he/she shall have the same powers and duties as the Chairman.

C. Secretary.

A Secretary shall be appointed by the Chairman of the Board, either from within its membership or from outside, to hold office during the term of the Chairman and/or until a successor Secretary has been appointed. The Secretary shall be eligible for reappointment.

The Secretary, subject to the direction of the Chairman and the Board, shall keep all records, shall conduct all correspondence of the Board, shall arrange for all public notices required to be given shall notify members of pending meetings and their agenda, shall notify parties to cases before the Board of its decision on such cases, and shall generally supervise the clerical work of the Board. The Secretary shall keep the minutes of every Board meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted on the by Board, and all votes of members of the Board on any resolution or on the final determination of any question, indicating the names of members who are absent or fail to vote.

If the Secretary is chosen from outside the Boards membership, he/she shall not be eligible to vote on any matter. Should the Secretary not be able to attend a specific meeting the Chairman may appoint a Temporary Assistant Secretary to allow business to continue, as scheduled.

D. Substitutions for Absences.

In the event that both the Chairman and Vice-Chairman are absent, the remaining membership shall elect a temporary Chairman and Vice-Chairman from among the seating membership for the purpose of conducting business at the meeting where the absences were noted.

III. ALTERNATE MEMBERS

Alternate Members of the Board shall attend all meetings and hearings. When a town member of the Board is absent from a meeting or unable to participate in a particular case, the Alternate Member(s) for the town shall have all the rights, privileges, and duties of a Member of the Board. The same shall be true for the Alternate Members for the extraterritorial jurisdiction when an Extraterritorial Member is absent or unable to participate. The Chairman shall establish a quorum at the beginning of the meeting and determine if and which alternate member shall vote on any issue in the absence of a qualified regular member.

At no time shall more than five members and (including Alternate Members) participate officially in any meeting or hearing. Once the voting membership is determined, any Alternate Member remaining may participate in the discussion of business, but may not cast a vote.

IV. RULES OF CONDUCT FOR MEMBERS AND ALTERNATE MEMBERS

A. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board Members and Alternate members shall be considered a prerequisite of continuing membership on the Board. (A Member or Alternate Member who cannot attend a meeting or will be unable to participate in a particular case shall notify the town hall or Chairman prior to the meeting if possible.)

B. No Board Member or Alternate Member shall take part in the hearings, consideration, or determination of any case in which he/she is personally or financially interested.

C. No Board Member or Alternate Members shall vote on any matter that decides an application or appeal unless he/she has attended the public hearing on that application or appeal. The Chairman may grant an exception if the Member or Alternate Member has reviewed the minutes and records of the hearing.

D. No Board Members or Alternate Members shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that Members and Alternate Members may receive and/or seek information pertaining to the case from any other Member of the Board or its Secretary before the hearing.

E. Members of the Board and Alternate Members shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined. Violation of this rule shall be cause for dismissal from the Board or from voting on that matter.

V. MEETINGS

A. Regular Meetings

Regular Meetings of the Board shall be held on the second Wednesday of each month at 9:00 a.m. in the Town Hall provided that meetings may be held at any other time in the Town if the Chairman so directs before the meeting.

B. Special Meetings

The Chairman or three (3) Board Members may call Special Meetings for the Board for any time. However, the meeting shall be advertised publicly as required by NC General Statutes. There is no fixed date for Special Meetings.

C. Cancellation of Meetings

If there are no Appeals, Applications for Special Use Permits or Variances, or other business before the Board, or if so many Regular and Alternate Members notify the Secretary that they cannot attend that a Quorum will not be available, the Chairman or UDO Administrator may dispense with a regular meeting by giving written or oral notice to all Members as soon as possible.

D. Quorum

A quorum shall consist of four members of the Board, but the Board shall not pass on any question relating to an appeal from decision, order, requirement, or determination of the UDO Administrator or an Application for Variance or Special Use Permit when fewer than four members are present.

If only four members are present and voting, the applicant shall be entitled, upon Board vote and approval, to a one-time continuance to the next regularly scheduled meeting to help ensure the a full quorum can be met. Further continuances may be approved at the discretion of the Board upon majority vote.

E. Voting

All Regular Members may vote on any issue unless they have recused themselves for one or more of the reasons listed in Section IV. Failure of a motion to receive the number of affirmative votes required to carry the motion shall be deemed an action denying the application action.

F. Conduct of Meetings

All meetings shall be open to the public. The order of the business at regular meetings shall be established by the Chairman and UDO Administrator and shall follow the same general format for all regular meetings.

The Board shall not entertain informal presentations on any application.

G. Witnesses

Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of such evidence as would be admissible in a court of law. The

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Board may view the premises before the Hearing, but the facts indicated by such inspection shall be disclosed at the Hearing and made a part of the record. The opposing parties may cross-examine witnesses.

VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three Members of the Board, provided that amendment be presented in writing at a Regular or Special meeting before the meeting at which the vote is taken.