

19.0 BOARDS AND COMMISSIONS

19.1 BOARDS AND COMMISSIONS ESTABLISHED

The following Boards and Commissions are hereby established in fulfillment of the goals of the planning ordinance:

Planning Board
Board of Adjustment
Technical Review Committee
Historic Preservation Commission

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 City Council.

19.2 PLANNING BOARD

19.2.1 Authority and Responsibility

The establishment of the Planning Board for the City of Belmont is granted under the authority of G.S. 160A-361. The Planning Board shall have the following duties and responsibilities:

- A. To review and make a recommendation on the Schematic Design of all Major Development Plans.
- B. 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 City Council.

19.2.2 Membership and Terms of Office

In accordance with G.S. 160A-361, -362, the Planning Board shall consist of a total of eight (8) members with at least one (1) member residing in the extraterritorial jurisdiction (ETJ). The total membership of the Planning Board shall, at a minimum, be proportional to the population of City residents in relation to ETJ residents, rounded down to the nearest whole number.

Planning Board representatives from within the City limits shall be appointed by the Belmont City Council. Representatives from the ETJ area shall be appointed by the Gaston County Board of Commissioners upon consideration of a recommendation by City Council. ETJ members of the Planning Board shall have equal rights, privileges, and duties with the inside members of the Board, regardless of whether the matters to be decided arise within the corporate limits of the city or within the extraterritorial area.

Planning Board member terms shall be staggered. To allow for staggered terms, three (3) initial appointments will be for terms of three (3) years; three (3) initial appointments will be for terms of two (2) years; and two (2) initial appointments will be for terms of one (1) year. Following the initial appointments, Planning Board terms shall be three (3) years. An appointee to the Planning Board shall not serve more than two (2) consecutive terms or a

maximum of seven and a half (7.5) years if a member has filled an unexpired term, after which a member must wait three (3) years before being eligible for reappointment. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

The Planning Board shall elect its chair from among its members. The chair shall serve a maximum of two (2) consecutive one (1) year terms. An ETJ member may be elected to serve as chair on a basis that is proportional to the number of ETJ members serving on the Board.

19.3 BOARD OF ADJUSTMENT

19.3.1 Authority and Responsibility

The establishment of the Board of Adjustment for the City of Belmont is granted under the authority of G. S. 160A-388. The 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 Zoning Enforcement Officer 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 Ordinance.
- D. To change the use of, or expand certain nonconformities.
- E. To allow temporary uses in zoning districts where such uses are not normally permitted.

19.3.2 Membership and Terms of Office

The Board of Adjustment shall consist of a total of five (5) members with at least one (1) member residing in the extraterritorial jurisdiction (ETJ). The total membership of the Board of Adjustment shall, at a minimum, be proportional to the population of City residents in relation to ETJ residents, rounded down to the nearest whole number.

Board of Adjustment representatives from within the City limits shall be appointed by the Belmont City Council. Representatives from the ETJ area shall be appointed by the Gaston County Board of Commissioners upon consideration of a recommendation by City Council. ETJ members of the Board of Adjustment shall have equal rights, privileges, and duties with the inside members of the Board, regardless of whether the matters to be decided arise within the corporate limits of the city or within the extraterritorial area.

The Board of Adjustment member terms shall be staggered. To allow for staggered terms, two (2) initial appointments will be for terms of three (3) years; two (2) initial appointments will be for terms of two (2) years; and one (1) initial appointment will be for a term of one (1) year. Following the initial appointments, Board of Adjustment terms shall be three (3) years. An appointee to the Board of Adjustment shall not serve more than two (2) consecutive terms or a maximum of seven and a half (7.5) years if a member has filled an unexpired term, after which a member must wait three (3) years before being eligible for reappointment. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

The Board of Adjustment shall elect the Board of Adjustment chair from among its members. The chair shall serve a maximum of two (2) consecutive one (1) year terms. An

ETJ member may be elected to serve as chair on a basis that is proportional to the number of ETJ members serving on the Board.

19.4 TECHNICAL REVIEW COMMITTEE (TRC)

19.4.1 Authority and Responsibility

The Technical Review Committee shall have the following duties and responsibilities:

- A. To review and approve all Construction Documents;
- B. To conditionally approve Construction Documents subject to final review by the Planning Director;
- C. To establish the technical requirements for all applications including submission schedules, size and number of drawings, etc.
- D. To establish a regular meeting schedule

19.4.2 Membership

The Technical Review Committee shall consist of the following members:

Planning Director
 City Engineer
 Director of Public Works
 City Manager
 Fire Chief
 Police Chief (as appropriate)
 Planning Board member and an alternate Planning Board member (to be appointed to 1 year terms by the City Council upon the recommendation of the Planning Board)
 City Council member and an alternate City Council member (to be appointed to 1 year terms by the City Council)
 Citizen Appointee (to be appointed to a 1 year term by the City Council)
 Any other person deemed appropriate by the City Manager or the Committee

19.5 HISTORIC PRESERVATION COMMISSION

19.5.1 Authority and Responsibility

The Historic Preservation Commission shall have the following duties and responsibilities:

- A. Undertake an inventory of properties of historical, architectural, and/or cultural significance;
- B. Recommend to the City Council areas to be designated by ordinance as "Historic Preservation Overlay Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";
- C. Acquire by any lawful means the fee or lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or other legally binding

- restrictions which will secure appropriate rights or public access and promote the preservation of the property;
- D. Restore, preserve and operate historic properties;
 - E. Review and act upon proposals for alterations, demolitions, or new construction within historic districts through the application for Certificates of Appropriateness;
 - F. Develop and adopt guidelines to be used in the review of alterations, demolitions, or new construction within Historic Preservation Overlay Districts.
 - G. Conduct an education program with respect to historic properties and districts within its jurisdiction;
 - H. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
 - I. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

The Commission is empowered to establish guidelines for approval of minor modifications, and to delegate to the Planning Director the authority to approve minor modifications. However, no request for approval of a minor modification may be denied without approval of the Commission.

19.5.2 Membership

In accordance with G.S. 160A-451-455, and G.S. 160A-400, the Historic Preservation Commission shall consist of a total of seven members. Representation shall be provided for the extra-territorial jurisdiction by appointing at least one resident of the extraterritorial jurisdiction.

Representatives from within the City limits shall be appointed by the Board of Commissioners. Representatives from the ETJ area shall be appointed by the Gaston County Board of Commissioners.

Where possible, the City Council shall appoint to a majority of the Commission those residents who have had special training or experience in a design field, such as architecture, landscape architecture, horticulture, planning, or a closely related field.

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. The City Council shall appoint the Historic Preservation Commission chair. The chair shall serve a one-year term.

19.6 MEETINGS, HEARINGS AND PROCEDURES OF ALL BOARDS AND COMMISSIONS

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board, Technical Review Committee, and the Historic Preservation Commission. Such rules of procedures may be amended by the respective Board or Commission membership.

Any rules of procedure adopted by any board or commission shall be kept on file at the offices of the Planning Director and shall be made available to the public at any meeting or hearing.

19.7 STAFF

The Planning Director or his/her designee shall serve as staff to the Planning Board, Technical Review Committee, and the Historic Preservation Commission.

19.8 ATTENDANCE POLICY FOR BOARDS AND COMMISSIONS

Any member of a Board or Commission 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. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein. The Chairman of the board or commission shall notify the proper appointing authority if a member is absent 25% of the meetings, and a new appointment may be made by the City Council to fill that vacancy.