

## Chapter 14. AGENCIES, BOARDS, AND COMMISSIONS

### 14.1 Administrator

The authority to establish an Administrator for the City of Salisbury is granted under the authority of G.S.160D-402.

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14.1 Administrator
14.2 Boards and Commissions Established
14.3 Meetings and General Procedures
14.4 Staff

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#### A. Duties of the Administrator

- 1. General Responsibilities:** The various provisions of this Ordinance shall be administered under the general direction of Community Planning Services and under the primary direction of the director or their designee. For the purposes of the administration of this Ordinance, the Community Planning Services, Engineering, Salisbury-Rowan Utilities, and Public Services staff are collectively referred to as the Administrator.
- 2. Conflicts of Interest:** No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff member or such other staff member as may be designated by the development regulation or other ordinance.
- 3. Maintain Records and Files:** The Administrator shall maintain a record of all permits and approvals on file and copies shall be made available on request to interested parties.
- 4. Water Supply Watershed WS-IV-PA Records:** The Administrator shall keep records on the total amount of acreage available under this option, total acres approved for this option, and site specific information on each development employing this option including: location, acres, site plan, use, Stormwater Management Plan, etc.
- 5. Water Supply Watershed Variance Records:** The Administrator shall submit annually to the NC Division of Water Quality a copy of the minutes and decisions of any variance to the Water Supply Watershed Protection provisions of this Ordinance.
- 6. Stormwater Ordinance Administration:** Any act authorized by the Sections 9.7, Post-Construction Storm Water Control (Phase II Stormwater Ordinance), or 15.24, Stormwater Permit, shall be carried out by the Administrator or his or her designee. The Administrator has the authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrator, who shall respond in writing within 30 days. The Administrator shall keep on file a record of all written interpretations of this Ordinance. In addition to the powers and duties that may

be conferred by other provisions of the Land Management & Development Ordinance and other laws, the Administrator shall have the additional following powers and duties under this subsection:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the Stormwater Ordinance.
- b. To make determinations and render interpretations of the Stormwater Ordinance.
- c. To enforce the provisions of the Stormwater Ordinance in accordance with its enforcement provisions.
- d. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of the Stormwater Ordinance.
- e. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- f. To take any other action necessary to administer the provisions of the Stormwater Ordinance.

## **14.2 Boards and Commissions Established**

The following Boards and Commissions are hereby established:

- Planning Board
- Board of Adjustment
- Historic Preservation Commission
- Technical Review Commission
- Alternate Methods of Design Commission

### **A. Planning Board**

The authority to establish a Planning Board for the City of Salisbury is granted under the authority of G.S. 160D-301 and G.S. 160D-604. .

#### **1. Authority and Responsibility**

Not in conflict with Chapter 19, Article II (Planning Board) of the Salisbury City Code, the Planning Board shall have the following duties and responsibilities:

- a. To review and decide upon Infill Frontage Width Special Exceptions
- b. To review and make recommendations on Text Amendments and District Map Amendments (including Conditional Districts)

- c. To render opinions and make recommendations on all issues and petitions related to the Ordinance and other land use plans that may be adopted from time to time, which require approval by the City Council

- 2. **Membership and Terms of Office:** Governed under Chapter 19, Article II (Planning Board) of the Salisbury City Code.

**B. Board of Adjustment (BOA)**

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

**1. Authority and Responsibility**

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

- a. To hear and decide administrative appeals, including orders or decisions made by the Technical Review Commission
- b. To hear and decide appeals, in the nature of certiorari, from any order or decision made by the Historic Preservation Commission
- c. To hear and decide petitions for variances from the provisions of this Ordinance
- d. Any additional powers and duties as may be set forth in other laws and regulations or at the discretion of City Council

**2. Membership and Terms of Office**

- a. Members of the Planning Board shall serve as members of the Board of Adjustment
- b. The Board of Adjustment shall consist of six (6) regular members and six (6) alternate members, where five (5) members represent the municipal corporate limits and one (1) member represents the extraterritorial jurisdiction (ETJ)
- c. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term
- d. The Board of Adjustment shall elect a Chair and Vice-Chair from among its members. The Chair and Vice-Chair shall serve one-year terms.

**C. Historic Preservation Commission (HPC)**

The authority to establish the Historic Preservation Commission for the City of Salisbury is granted under the authority of G.S. 160D-303..

**1. Authority and Responsibility**

- a. To receive applications for certificates of appropriateness, review applications to determine appropriateness, and shall approve or disapprove such application.
- b. Recommend to the City Council districts or areas to be designated by Ordinance as historic overlay districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by Ordinance as an historic landmark.
- c. Recommend to the City Council that designation of any area as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be revoked for cause.
- d. Perform other duties or activities as are required elsewhere by the Salisbury Land Development Ordinance or the General Statutes of North Carolina or as assigned by the Salisbury City Council.

**2. Membership and Terms of Office**

- a. The Historic Preservation Commission shall be a nine (9)-member commission appointed by the City Council. A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology or related fields; and all the members shall reside within the territorial jurisdiction of the City of Salisbury.
- b. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- c. The Historic Preservation Commission shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

**3. Design Standards**

The Historic Preservation Commission shall include as an appendix to the rules of procedure “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Standards” for determining appropriateness. The Design Standards shall

be placed on file with the City of Salisbury and shall be made available to the general public.

**D. Technical Review Commission (TRC)**

The Technical Review Commission is hereby established by this Ordinance as a non-appointed, staff-only commission for the following purposes.

**1. Authority and Responsibility**

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

- a. To establish the technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
- b. To review Conditional District Master Plans for compliance with all applicable provisions of this Ordinance and for consistency with the adopted comprehensive and all applicable area plans, and then provide a recommendation, with any recommended conditions, to the Planning Board and City Council
- c. To evaluate Text Amendment petitions for common good or sole benefit for the purpose of application procedures, as well as to review Text Amendment petitions from a technical perspective, by department, and against all applicable policies and plans
- d. To review and, when applicable, approve Major Site Plans, Major Subdivision plats, and other methods of development requiring compliance with this Ordinance. In determining compliance with this Ordinance, the TRC may take the following actions:
  - (1) Approve the Major Site Plan or Major Subdivision as submitted upon determining compliance with all applicable provisions of the Ordinance.
  - (2) Grant provisional approval of the Major Site Plan or Major Subdivision by providing to the applicant a detailed description of the applicable areas of non-compliance with the Ordinance; in turn, allowing the applicant to make all necessary changes to receive approval. Following resubmission of plans by the applicant, the Administrator may grant approval or require placement on another TRC agenda for review and approval.
  - (3) Deny the Major Site Plan or Major Subdivision with a written statement of non-compliance for all applicable provisions of the Ordinance.

- (4) Temporarily suspend review of the Major Site Plan or Major Subdivision pending additional information, clarification, or modification of the submittal by the applicant. Once review has been suspended, the case must be placed on another TRC agenda before review can resume.

**2. Membership**

The Technical Review Commission shall consist of the following members:

- One (1) City Council Member (ex-officio, non-voting)
- One (1) Planning Board Member (ex-officio, non-voting)
- The following department representatives, or their designee:
  - Community Planning Services (2)
  - Engineering (2)
  - Salisbury-Rowan Utilities (1)
  - Fire (1)
  - Public Services (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in a non-voting capacity.
  - Other City of Salisbury Departments
  - Departments of Rowan County
  - NC Department of Transportation
  - Other NC State Agencies
  - Other Federal Agencies

**E. Alternate Methods of Design Commission (AMDC)**

**1. Authority and Responsibility**

The Alternate Methods of Design Commission shall have the authority to consider requests for alternate methods of compliance against specific provisions of this Ordinance. It is not intended for, nor any authority granted to, this body to hear and decide petitions for variances in lieu of the Board of Adjustment; instead, it is the responsibility of this commission to consider alternative methods by which the spirit and intent of specific design provisions may be upheld.

Depending on the alternate method of compliance request, the Alternate Methods of Design Commission shall use the general development process criteria as well as specific criteria provided in those applicable sections of this Ordinance in determining alternative compliance.

**2. Membership**

- a.** The Alternate Methods of Design Commission shall be a three (3)-member commission, with one (1) alternate member, appointed by the City Council. Members shall have demonstrated experience, education, or licensure in the design, construction, and/or development field. All members shall reside within the territorial (zoning) jurisdiction of the City of Salisbury. In addition, the commission shall consist of one (1) Planning Board member as an ex-officio, non-voting member.
- b.** Members shall be appointed for three (3)-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.

**14.3 Meetings and General Procedures**

All meetings of appointed bodies under this Chapter shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies.

Any and all adopted rules of procedure shall be kept on file at the Community Planning Services office and shall be made available upon request.

All bodies authorized under this Chapter shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the applicable rules of procedure.

**14.4 Staff**

An Administrator shall serve as staff to the Planning Board, Board of Adjustment, Historic Preservation Commission, and Alternate Methods of Design Commission. In addition, the City Attorney may provide legal and procedural assistance to the Board of Adjustment.

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