

## Town of Archer Lodge

14094 Buffalo Road

Archer Lodge, NC 27527

Main: 919-359-9727 Fax: 919-359-3333

Website: <https://www.archerlodgenc.gov>



## Application for Appointment

**(Please Print when completing the application)**

Email: [jenny.martin@archerlodgenc.gov](mailto:jenny.martin@archerlodgenc.gov)

[joyce.lawhorn@archerlodgenc.gov](mailto:joyce.lawhorn@archerlodgenc.gov)

**NOTE: Applicants shall reside in the Archer Lodge Town Limits.**

Please indicate below which board you are interested in serving on:

**Governing Body/Town Council**

**Planning Board & Board of Adjustments**

\_\_\_\_\_ **1<sup>st</sup> Time Appointment**

\_\_\_\_\_ **Reappointment**

Full Name \_\_\_\_\_

Address \_\_\_\_\_

Mobile Phone# \_\_\_\_\_ Landline Phone# \_\_\_\_\_

Email Address \_\_\_\_\_ Work Phone# \_\_\_\_\_

Education Background \_\_\_\_\_

Employer \_\_\_\_\_ Occupation \_\_\_\_\_

Do you live in the Archer Lodge Corporate Limits? \_\_\_\_\_ How long? \_\_\_\_\_

Are you a citizen of the United States? \_\_\_\_\_ How Long? \_\_\_\_\_

Have you ever served on the Board listed above? \_\_\_\_\_ If yes, when \_\_\_\_\_

What do you feel are your qualifications for serving on the board and why do you think you would be an asset to this board? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**I acknowledge receiving, reading & agree to the Archer Lodge Code of Ordinances attached to this application.**

**Any comments can be written on the back of this page if you need additional space.**

Appointed to \_\_\_\_\_ on \_\_\_\_\_

### **Sec. 30-2105 - Conflict of interest.**

- (a) A Town Council or Planning Board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council or Planning 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.
- (b) Quasi-Judicial Decisions. A member of the Board of Adjustment, Stormwater Review Board, or Town Council shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. Quasi-judicial decisions include variances and special use permits.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

### **DIVISION 2. - TOWN COUNCIL.**

#### **Sec. 30-2201 - Powers and duties.**

The Town Council shall hear and decide the following applications or permits. In considering the applications, the Town Council shall follow the requirements of [article 3](#), division 1 and the sections governing each specific action as listed below:

- (a) Development agreements (see [§ 30-3307](#));
- (b) Planned development (see [§ 30-3314](#));
- (c) Reasonable accommodation (Fair Housing Act) (see [§ 30-3315](#));
- (d) Rezoning /Map amendment (see [§ 30-3316](#));
- (e) Site plan (see [§ 30-3317](#));
- (f) Special use permit (see [§ 30-3318](#));
- (g) Text amendment (see [§ 30-3320](#)); and
- (h) Vested rights certificate (see [§ 30-3322](#)).

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

### **DIVISION 3. - PLANNING BOARD.**

#### **Sec. 30-2301 - Establishment.**

The Planning Board is hereby established in accordance with § 160D-301 of the North Carolina General Statutes.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2302 - Appointment and terms.**

- (a) The Planning Board has five members. The Planning Board shall also serve as the Board of Adjustment.
- (b) Members may be appointed to successive terms without limitation.
- (c) The Planning Board shall consist of five regular members, and two alternate members, each to be appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such Board, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. All members shall be citizens and residents of the Town of Archer Lodge.
- (d) Vacancies may be filled for the unexpired terms only by majority vote of the Town Council. Members will be appointed to complete the remainder of an unexpired term.
- (e) Alternate members shall participate in all deliberations. Alternate members shall only vote in the absence of a regular member.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2303 - Board officers.**

- (a) At its first regular meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. A certified municipal clerk shall be appointed by the Town Council as Secretary to the Planning Board. Any appointed secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (c) The Board shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2304 - Powers and duties of board.**

- (a) The Planning Board shall hear and decide applications for major subdivisions (see § 30-3312).
- (b) The Planning Board shall hear and provide a recommendation to the Town Council on the following:
  - (1) Adoption of or amendment to the comprehensive plan or any other Town plan, as requested by the Town Council (see § 30-3305);
  - (2) Development agreements (see § 30-3307);
  - (3) Planned developments (see § 30-3314);
  - (4) Rezoning/Map amendments (see § 30-3316);
  - (5) Site plans (see § 30-3317); and
  - (6) Text amendments (See § 30-3320).
- (c) Any of the duties listed in § 160D-301 of the North Carolina General Statutes that are assigned by the Town Council.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021; Ord. No. [AL2022-08-1](#) (UDO-TA-2-22), § 1, 8-1-2022)

#### **Sec. 30-2305 - Meetings and quorum.**

- (a) The Planning Board shall meet every other month, unless meetings are cancelled for lack of business, emergency, or other valid reason. Special meetings may be called in accordance with § 160A-71 of the North Carolina General Statutes.
- (b) All meetings of the Planning Board shall be open to the public, and the agenda for each Planning Board meeting shall be made available in advance of the meeting. A notice of the meeting shall be published in a local newspaper and be posted at Town Hall in accordance with § 160A-71 of the North Carolina General Statutes.
- (c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Planning Board to take any action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in § 160A-75 of the North Carolina General Statutes shall be counted as present for purposes of determining whether a quorum is present.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2306 - Voting.**

- (a) Once a quorum is established the concurring vote of a majority of board members (excluding vacant board member positions and any board members who are recused from voting on a particular case) shall be necessary to make any decision.

- (b) Once a member is physically present at a Planning Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.
- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - (1) If the member has a conflict of interest as defined in § 30-2105, Conflict of interest; and
  - (2) If the matter at issue involves the member's own official conduct.
- (d) Any Planning Board member may make a motion to excuse a member from voting on a specific item or from the remainder of the meeting.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021; Ord. No. [AL2022-03-1](#) (UDO-TA-1-22), § 1, 3-7-2022)

#### **DIVISION 4. - BOARD OF ADJUSTMENT.**

##### **Sec. 30-2401 - Establishment.**

The Town Council hereby creates a Board of Adjustment in accordance with § 160D-302 of the North Carolina General Statutes to make such quasi-judicial decisions as are required by this UDO or General Statute.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

##### **Sec. 30-2402 - Appointment and terms.**

- (a) The Board of Adjustment is comprised of five regular members, and two alternate members. All of the members also serve on the Planning Board. The alternate members shall have all the powers as regular members and may fill in for regular members as needed in meetings.
- (b) Members may be appointed to successive terms without limitation.
- (c) Each member is appointed for three-year terms, except as allowed otherwise below. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end; that thereafter the terms of all members shall not expire at the same time.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2403 - Board officers.**

- (a) At its first regular meeting of each calendar year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board of Adjustment's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. The Town Council shall appoint a certified municipal clerk to serve as Secretary to the Board of Adjustment.
- (b) Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (c) The Chairperson or any member temporarily acting as Chairperson shall administer oaths to witnesses coming before the board.
- (d) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2404 - Powers and duties of board.**

The Board of Adjustment shall hear and decide:

- (a) Appeals from any order, decision, requirement, or interpretation made by the Town, inclusive of Chapter 14, Flood Prevention, in the Town Code of Ordinances;
- (b) Applications for variances, including variances from the Water Supply Watershed Protection Overlay (WSWOD) District while serving in its capacity as the Watershed Review Board;
- (c) Questions involving determinations and interpretations of the zoning map, including disputed district boundary lines and lot lines; and
- (d) Any other matter the Board of Adjustment is required to act upon by any other ordinance.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

#### **Sec. 30-2405 - Meetings and quorum.**

- (a) The Board of Adjustment shall meet on an as needed basis until such time as the volume of applications requires the Board to adopt an annual schedule of regular meetings.
- (b) The agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.
- (c) A quorum for the Board of Adjustment is four members. A quorum is necessary for the Board of Adjustment to take official action.

- (d) A member who has withdrawn from the meeting without being excused, as provided in § 30-2406, Voting, shall be counted as present for purposes of determining whether a quorum is present.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021)

**Sec. 30-2406 - Voting.**

- (a) Once a quorum is established, the concurring vote of a majority of board members (excluding vacant board member positions and any board members who are recused from voting on a particular case) shall be necessary to make any decision, except decisions on variances.
- (b) The vote on a variance shall require a 4/5 supermajority of all board members (excluding vacant board member positions and any board members who are recused from voting on a particular case).
- (c) In accordance with §160D-406(i), majority or supermajority calculations shall be based on the total number of board member positions, regardless of whether the member is absent. Positions may only be excluded from the calculation when the position is vacant and there is no alternate or when a board member has been recused in accordance with subsection (e) below.
- (d) Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (e). of this section or has been allowed to withdraw from the meeting in accordance with subsection (f) of this section.
- (e) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - (1) If the member has a conflict of interest as defined by § 30-2105 Conflict of interest, above; or
  - (2) If the matter at issue involves the member's own official conduct.
- (f) A motion to excuse a member from voting on a specific item, or from the remainder of the meeting may be made by any Board of Adjustment member.

(Ord. No. [AL2021-06-1](#), § 1, 6-7-2021; Ord. No. [AL2022-03-1](#) (UDO-TA-1-22), § 1, 3-7-2022)