

**RULES OF PROCEDURE**  
**Carteret County Zoning Board of Adjustment**

**I. GENERAL RULES**

The Zoning Board of Adjustment shall be governed by the terms of Chapter 153A, Article 18, Part 3 of the General Statutes of North Carolina and by the Zoning Ordinance of Carteret County; the Carteret County Manufactured Homes, Manufactured Home Parks, and Recreation Vehicle Parks Regulations; Signs and Billboards Ordinance; Group Housing Ordinance; and the Flood Damage Prevention Ordinance.

**II. OFFICERS AND DUTIES**

A. Chairman. The term of office shall begin on July 1, and the chairman 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. The vice chairman 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. The Secretary shall arrange for 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 by the Board, and all votes of members of the Board on any resolution or on the final determination of any question. The Secretary is not eligible to vote on any matter.

**III. ALTERNATE MEMBERS**

Alternate members of the Board shall be called to attend and participate in those meetings and hearings at which one or more regular members are absent or are unable to participate in hearing a case because of financial or other direct interest. At organizational meetings for purposes of training, review of by-laws, or procedural development and the like, all members may be present.

Regular members, on receiving notice of a meeting or hearing that they cannot attend or on learning that they will be unable to participate in a particular case, shall give prompt oral notice to the Secretary no less than twenty-four hours before the scheduled meeting or hearing begins. All members should, by their actions, do everything within their power and control to be faithful and avoid the embarrassment and expense of the Board having to cancel an advertised public hearing because of the lack of a quorum.

On receiving such notice, the Secretary shall, by the most expeditious means, notify alternate members needed to attend. Assignments shall be rotated among the alternate members. At any meeting or hearing that they are called to attend, alternate members shall have the same powers and duties as regular members. All alternate members shall receive all notices of public hearings, correspondence, minutes of the meetings and hearings, and copies of current ordinances and reference books as provided to regular members.

Except at the election of officers, organizational meetings for purposes of training, review of by-laws, or procedural development and the like, at no time shall more than 5 (five) members participate officially in any meeting or hearing cases before the Board.

**IV. RULES OF CONDUCT FOR MEMBERS**

All members of the Board shall thoroughly familiarize themselves with the pertinent ordinances of Carteret County, including the Carteret County Mobile Home, Mobile Home Park and Travel Trailer (Camper) Park Ordinance, Sign Ordinance, Group Housing Ordinance, and the Flood Damage Prevention Ordinance.

A. Members of the Board may be removed for cause, including violation of the rules stated below.

B. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.

C. No Board member shall take part in the hearing, consideration, or determination of any case in which he/she is personally or financially interested.

D. No Board member shall vote on any matter that decides an application or appeal unless he/she has attended the public hearing on that application or appeal.

E. No Board member shall discuss any case with parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its Secretary, or the Planning Department staff before the hearing.

F. Members of the Board 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.

## V. MEETINGS

A. Regular Meetings. Regular meetings of the Board shall be held in the Commissioner's Boardroom, provided that meetings may be held at any other convenient place in the County, if the Chairman so directs before the meeting.

B. Special Meetings. The Chairman may call special meetings of the Board any time. At least 48 (forty-eight) hours written notice of the time and place of the special meeting shall be given, by either the Secretary or the chairman, to each member of the Board.

C. Cancellation of Meetings. If there are no appeals, applications for special use permits or variances, or other business for the Board, or if so many regular or alternate members notify the Secretary that they cannot attend that a quorum will not be available, the chairman may dispense with a regular meeting by given written or oral notice to all members not less than 24 (twenty-four) hours before the time set for the meeting.

D. Quorum. A quorum shall consist of 4 (four) members of the Board but the Board shall not pass on any question relating to an appeal from a decision, order, requirement, or determination of the Zoning Enforcement Officer or an application for a variance or special use permit when fewer than 4 (four) members are present.

E. Voting. All regular members shall vote on any issue unless they have disqualified themselves. The required vote to decide an appeal, a request for a special use permit, code interpretation or determination, or variance shall be as provided in the pertinent ordinance that is in question and shall not be reduced by any disqualification. In all other matters, the vote of a majority of the members present and voting shall decide issues before the Board.

F. Conduct of Meetings. The order of business at regular meetings shall be as follows:

1. roll call;
2. approval of minutes;
3. hearing of cases;
4. consideration and determination of case heard;
5. reports of committees; and
6. new business.

## VI. HEARING APPLICATIONS

A. Procedure for Filing Applications. The applicant must file the application for an appeal with the Planning Department, who shall act as agent for the Board in receiving this notice. All applications shall be made on the form furnished for that purpose and all information required thereon shall be complete before an appeal may be considered as having been filed.

B. Procedure for Hearings.

1. Time. After notice of appeal is received, the Secretary shall schedule the time for a hearing.

2. Notice. The Secretary shall give public notice of the hearing in a newspaper generally circulated in Carteret County. The Secretary shall mail by certified mail notices of the hearing to the parties to the action, appeal from, and to such other persons as the Planning Director or designee shall direct, at least five (5) days before the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved and the time and place of the hearing. The applicant shall give notice by mail to the owners of abutting properties.

3. Conduct of the hearing. Any party may appear in person, by agent, or by attorney at the hearing. The order of business for each hearing shall be as follows:

- a. The Secretary, or such person as he/she shall direct, shall give the Staff Report.
- b. The applicant shall present the evidence and arguments in support of his/her application.
- c. Persons opposed to granting the application shall present the evidence and arguments against the application.
- d. Both sides shall be permitted to present rebuttals to opposing evidence and arguments.

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 Board may review the premises before the hearing but the facts indicated by such inspection shall be disclosed at the public hearing and made part of the record. All witnesses before the Board shall be placed under oath and the opposing party may cross-examine them.

4. Rehearings. An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the Board to determine whether there has been a substantial change in facts, evidence, or conditions in the case. The Board shall deny the application for a rehearing, if, from the record; it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that a change has occurred, it shall thereupon treat the request in the same manner as any other application.

C. Procedure for Decisions.

1. Voting at Hearings. In the case of ordinances not adopted pursuant to GS 153A-340-348, a majority vote of the members present will be needed.

2. Notice and Public Record of Decisions. The Secretary shall give written notice of the decision in the case to the appellant and/or the applicant and to every aggrieved party who has filed a written request for such notice with the Planning Director or designee. Such notice may be delivered by registered or certified mail, return receipt requested. A copy of the decision shall also be filed in the Planning Department, as specified in the Zoning Ordinance. The decision shall be a public record, available for public inspection during normal business hours.

## **VII. AMENDMENTS**

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of members present, provided that such amendment be presented to each member prior to the regular or special meeting at which the vote is taken.

Adopted July 14, 1993.

Revised by the Zoning Board of Adjustment July 8, 2009.

Readopted by the County Commissioners on August 17, 2009.