

TOWN OF CAPE CARTERET

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF CAPE CARTERET THAT THE CODE OF ORDINANCES OF THE TOWN OF CAPE CARTERET (THE CODE) CHAPTER 156: ZONING; SUBSECTION: ZONING BOARD OF ADJUSTMENT; SECTION 156.095 IS HEREBY AMENDED AS FOLLOWS:**

**SEC. 1** – CHAPTER 156: ZONING, SECTION 156.095. is amended as follows:

§ 156.095 ESTABLISHMENT.

(A) Generally. Pursuant to **160D-302 G.S. §§ 160A-358 and 160A-362**, there is hereby established a Zoning Board of Adjustment of the town to perform the functions and duties prescribed in this section.

(B) Membership.

(1) The Zoning Board of Adjustment shall have 5 regular members. In addition to regular members, the Board of Commissioners shall appoint 2 alternate members. The senior alternate member, while attending any regular or special meeting of the Zoning Board of Adjustment, in the absence of a regular member, shall have and may exercise all the powers and duties of the regular member. If 2 regular members are absent, the second alternate member shall serve in the same fashion as the senior alternate, the senior alternate member being the prior appointee.

(2) Regular members and alternate members shall be residents of the town and shall be appointed to the Zoning Board of Adjustment by the Board of Commissioners. Additionally, the Zoning Board of Adjustment shall have **1 2** members **and 1 alternate member** who resides outside the town, but within the area specified by an extraterritorial boundary ordinance adopted pursuant to **G.S. §160D-202, and shall be appointed by the Board of County Commissioners in accordance with G.S. §160D-307, G.S. § 160A-360b.** ~~The Board of Commissioners shall recommend extraterritorial member candidates for appointment by the County Board of Commissioners. Should the County Board of Commissioners fail to appoint the requested members from the town's extraterritorial jurisdiction within 90 days after receiving a request for action, the Board of Commissioners may appoint residents of the extraterritorial jurisdiction areas to serve on the Zoning Board of Adjustment.~~

(C) Terms. Regular members, extraterritorial members and any alternate members, of the Zoning Board of Adjustment shall serve for terms of 3 years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Zoning Board of Adjustment. No members of the Planning Board or officials of the town shall be appointed to the Zoning Board of Adjustment.

(D) Vacancies. Notwithstanding the provisions of the division (C) above, the Board of Commissioners may declare that a vacancy exists in the Board of Adjustment membership when any individual regular or alternate member has missed more than 3 meetings in a row (whether regular, special or called meetings) without having been excused by the chairman of the Board of Adjustment. The Board of Commissioners shall appoint a new member to complete the unserved portion of the term wherein the vacancy exists.

**SEC. 2-** The following provisions, numbered as indicated herein is amended to the Code.

**SEC. 3-** This section shall become effective upon passage.

**SEC. 4-** If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

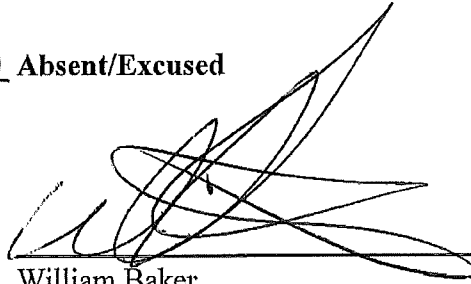
**SEC. 5-** Any ordinance or any part thereof in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

**SEC. 6-** The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Cape Carteret and is authorized to re-number said amendments in order to maintain consistency within said Code.

Adopted this the 8<sup>th</sup> day of February 2021.

Motion by Commissioner King, with a second by Commissioner Miller.

Vote Approved: 5 For 0 Against 0 Absent/Excused



William Baker  
Mayor  
(OFFICIAL TOWN SEAL)

Attest:

Heather Leffingwell  
Heather Leffingwell, Town Clerk

