

Chapter 14. Administrative Agencies and Boards

14.1 Administrator

The authority to establish an Administrator for the Town of Knightdale is granted under the authority of G.S. 160A-361 & 373.

- A. General Responsibilities:** The various provisions of this Ordinance shall be administered by the Knightdale Planning Department under the primary direction of the Planning Director. For the purposes of the administration of this Ordinance, the Planning Director and subordinate staffs are collectively referred to as the Administrator.
- B. Maintain Records and Files:** The Administrator shall maintain records in accordance with municipal records retention laws adopted by the General Assembly
- C. Specific Powers and Duties:** The Administrator shall have the following powers and duties under this ordinance:
 1. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.
 2. To make determinations and render interpretations of this ordinance.
 3. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council on applications for development or redevelopment approvals.
 4. To enforce the provisions of this ordinance in accordance with Chapter 18: Violations and Penalties.
 5. To provide expertise and technical assistance to the Town Council, upon request.
 6. To designate appropriate other person(s) who shall carry out the powers and duties of the Administrator.
 7. To take any other action necessary to administer the provisions of this ordinance.

14.2 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Land Use Review Board (LURB)
- Old Town Oversight Committee (OTOC)
- Technical Review Committee (TRC)

All boards and commissions shall follow the rules of procedure as adopted by the respective Board or Committee.

14.3 Land Use Review Board (LURB)

The authority to establish a Land Use Review Board for the Town of Knightdale is granted under the authority of G.S. 160A-19, 361, 387 & 388. For the purposes of this Ordinance, the Land Use Review Board shall be seated to serve as the Planning Board, the Appearance Board, the Tree Board and a portion of the membership shall be seated to serve as the Board of Adjustment.

A. Quasi-Judicial Powers and Responsibilities

During the quasi-judicial portion, the board shall:

1. Hear and decide appeals from any order, decision, requirement, or interpretation made by the Administrator.
2. Hear and decide upon applications for variances.
3. Hear and decide upon questions involving interpretation of the zoning map, including disputed District boundary lines and lot lines.
4. Any other matters the Land Use Review Board is required to act upon by any other town ordinance or state law while adhering to quasi-judicial procedure.

B. Legislative and Advisory Powers and Responsibilities

Subject to authorization, referral or budget appropriation by the Town Council the Land Use Review Board shall have the following powers and duties:

1. General Functions:

- a. To develop plans and prepare studies for the orderly growth and development of the Town of Knightdale and its environs. Such plans shall set forth goals, objectives and policies designed to manage the quantity, type, cost, location, timing and quality of development and redevelopment in the Knightdale community;
- b. To seek to coordinate the activities of individuals and public or private agencies and organizations whose plans, activities and programs bear on the general development of the community;
- c. To formulate and recommend to the Town Council the adoption or amendment of ordinances that, in the opinion of the Board will serve to promote the orderly development of the community in accordance with the comprehensive plan;
- d. To conduct public meetings and hearings, giving reasonable notice to the public thereof;
- e. To review and make recommendations to the Town Council on proposed amendments to the zoning map, Unified Development Ordinance, comprehensive plan or Town Code of Ordinances.

- f. To exercise such other powers and to perform such other duties as are authorized or required elsewhere in this Chapter, the N.C. General Statutes, or by the Town Council;
- g. To review and make recommendations to the Town Council on proposed applications for Special Use Permits, Conditional Districts, and Vested Rights.

2. Community Appearance:

- a. Initiate, promote and assist in the implementation of programs for general community beautification within the Town's planning jurisdiction;
- b. To seek to coordinate the activities of individuals and public or private agencies and organizations whose plans, activities, and programs bear on the appearance of the community;
- c. To provide leadership and guidance in matters of community design and appearance to individuals and public or private agencies and organizations;
- d. To direct the attention of appropriate Town officials to needed enforcement of any ordinance that may affect the appearance of the community;
- e. To seek voluntary adherence to the standards and policies of its plans.
- f. Conserve the Town's natural beauty, visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to the exterior appearance of structures, signs, and other improvements;

3. Tree Protection and Planting:

- a. To develop, implement and update a written plan for the care, preservation, growth, planting, protection and removal of trees within street rights-of-way, public parks, and other municipal properties;
- b. To support and facilitate the planting, growth and protection of trees within the Town, organizing and enlisting both public and private resources;
- c. To conduct periodic surveys of street trees and other trees within the community to determine the composition and condition;
- d. To provide, sponsor and facilitate the dissemination of information to the public, tree companies and public utilities concerning the proper care, pruning, protection, planting and removal of trees, particularly street trees and other trees on municipal property. This educational responsibility may

include the organization of workshops and the preparation of publications;

- e. To provide advisory assistance to private property owners concerning the appropriate care and planting of trees.

C. Appointment and Terms of the Land Use Review Board

1. There shall be a Land Use Review Board consisting of nine (9) members. Six (6) members, appointed by the Town Council, shall reside within the corporate limits. Three (3) members appointed by the Wake County Board of Commissioners, shall reside within the Town's extra-territorial jurisdiction. Three (3) of the Town Council appointees shall also be named quasi-judicial voting members, and two (2) of the Wake County Board of Commissioners appointees shall also be named quasi-judicial voting members. The remaining four (4) Land Use Review Board members shall serve as alternate quasi-judicial voting members. However, when not filling in for absent or excused regular quasi-judicial voting members, the alternates may participate in all quasi-judicial deliberations and fact finding efforts but may not vote. If despite good faith efforts, enough residents of the extra-territorial planning area cannot be found to fill the seats reserved for residents of such area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the Town) to fill these seats. If the Wake County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them.
2. Prior to being seated with full voting rights, newly appointed members shall be required to attend and complete the Town's Citizen Planning Academy or its training equivalent. The Academy is a function of the Town's Planning Department and is also open to the general public. It shall be offered at least once each year to ensure that any LURB appointee will have the opportunity to take the class prior to attending their first LURB meeting.
3. Land Use Review Board members shall be appointed for three-year staggered terms. Members shall continue to serve until their successors have been appointed.
4. No person, either appointed or re-appointed by the Town Council, may serve more than two (2) consecutive full terms on the Land Use Review Board. A person who has served two (2) consecutive full terms shall be eligible for re-appointment after a lapse in service of at least 12 months.
5. In-town members of the Land Use Review Board may be removed by the Town Council at any time for failure to attend three (3) consecutive meetings or for failure to attend 75 percent or more of the meetings within any 12 month period or for any other good cause related to performance of duties. Extra-territorial planning area members who fail to attend three (3) consecutive meetings or who fail to attend 75 percent or more of the meetings within any 12 month period or for any other good cause related to performance of duties shall be recommended for removal to the Wake County Board of Commissioners.

6. If an in-town member moves outside the town, or if an extra-territorial area member moves outside the planning jurisdiction, that shall constitute a resignation from the board.

D. Officers

1. Annually, at the first regular meeting during the month of February, the Land Use Review Board shall select from among its members a chairperson and vice-chairperson. Officers shall serve for a period of not more than two (2) consecutive one-year terms in the same capacity.
2. The chairperson shall preside over the Land Use Review Board as a non-voting member (except in the case of breaking a tie), decide all points of order or procedure using the latest edition of "Robert's Rules of Order" as a guide, and transmit reports and recommendations of the Land Use Review Board to the Town Council. The vice-chairperson shall assume the duties of the chairperson in his/her absence.
3. The chairperson and vice-chairperson may take part in all deliberations during the legislative segment.
4. The secretary to the Land Use Review Board shall be a Town staff member assigned by the Town Manager.

E. Meetings

1. The Land Use Review Board shall establish a regular meeting schedule and shall meet frequently enough, at least monthly if necessary, so as to take action as expeditiously as possible on the items of business.
2. All Land Use Review Board meetings shall be open to the public, and whenever feasible, the agenda for each meeting shall be made available in advance of the meeting
3. The meetings of the Land Use Review Board shall include a segment dedicated to quasi-judicial zoning decisions including but not limited to final decisions on appeals, variances, and interpretations and as required by the Unified Development Ordinance. The quasi-judicial portion of the meeting shall precede legislative action items on the Land Use Review Board's agenda.
4. All meetings shall be conducted using the latest edition of "Robert's Rules of Order". The Land Use Review Board may adopt rules of procedure governing its quasi-judicial procedures and operations not inconsistent with the provisions of this Unified Development Ordinance.
5. A separate record of minutes and attendance shall be kept of all quasi-judicial segments of the Land Use Review Board.

F. Quorum and Voting on Legislative Matters

1. A quorum shall be the majority of the Land Use Review Board membership excluding vacant seats. A quorum is necessary to take official action.
2. All actions of the Land Use Review Board during the legislative segment shall be taken by majority vote of those present and voting, a quorum being present.
3. All members of the Land Use Review Board shall serve as voting members during the legislative portion except the Chair as noted in D.3 above.
4. Since the legislative portion of the Land Use Review Board has advisory authority, it need not conduct its meetings strictly in accordance with quasi-judicial procedures. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
5. During the legislative portion of the Land Use Review Board meeting, the entire Board shall formulate recommendations on matters referred to it by the Town Council. Such matters shall include but not be limited to: zoning map amendments, zoning text amendments, special use permit applications, preliminary subdivision plats and amendments to the comprehensive plan.
6. A separate record of minutes and attendance shall be kept of all legislative portions of the Land Use Review Board.

G. Quorum and Voting on Quasi-Judicial Matters

1. A quorum for the quasi-judicial segment shall consist of the number of members equal to four-fifths of the quasi-judicial voting membership (including vacant seats). A quorum is necessary for the Board to take action.
2. A member who has withdrawn from the meeting without being excused shall be counted as present for purposes of determining whether a quorum is present.
3. Concurring vote of four-fifths of the regular voting membership (including vacant seats) shall be necessary to reverse any order, requirement, decision or determination of the Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. Any other actions during the quasi-judicial segment shall be taken by majority vote of the eligible voting members.
4. Once a member is physically present during the quasi-judicial segment of a Land Use Review Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with 5 below. If a quasi-judicial voting member is either absent from the Land Use Review Board meeting or has been excused in accordance with this Ordinance, he or she shall be replaced by an alternate at any time during the quasi-judicial portion.

5. A member shall be excused from voting on a particular issue by majority vote of the remaining quasi-judicial voting members present under the following circumstances:
 - a. If the member has a direct financial interest in the outcome of the matter at issue; or
 - b. If the matter at issue involves the member's own official conduct; or
 - c. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - d. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
 6. A roll call vote shall be taken upon the request of any member.
 7. Any quasi-judicial decision by the Land Use Review Board shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari.. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the decision of the Board is filed with the Knightdale Planning Department or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Land Use Review Board at the time of the hearing, whichever is later. The decision of the Land Use Review Board may be delivered to the aggrieved party either by personal service, registered mail or certified mail return receipt requested.
- H. Annual Report:** During the month of January of each year, the chairperson of the Land Use Review Board shall submit to the Town Council an annual report summarizing its activities during the previous year.

14.4 Old Town Oversight Committee

The authority to establish an Old Town Oversight Committee for the Town of Knightdale is granted under the authority of G.S. 160A-456(c) which states that “Any city council undertaking community development programs or activities may create one or more advisory committees to advise it and to make recommendations concerning such programs or activities”.

A. Advisory Powers and Responsibilities

1. Initiate, promote and assist in the implementation of programs for public improvements in the Old Town area.
2. Initiate, promote and assist in the implementation of community involvement activities, financial incentives and technical assistance programs that would benefit residents, entrepreneurs and property owners in the Old Town area.
3. Direct the attention of appropriate Town officials to needed enforcement of any ordinance in the Old Town area.
4. Interface with Town staff to discuss hearings and cases affecting the Old Town area and formulate advisory statements for conveyance by the chairperson or other designated committee member to the governing board as appropriate.

B. Appointment and Terms of the Old Town Oversight Committee

1. There shall be an Old Town Oversight Committee consisting of at least seven (7) and no more than 13 members. All members shall be appointed by the Town Council and shall reside or own land within the Wil-Ros Subdivision or the Old Town Knightdale Study Area as defined in the *Old Town Knightdale Plan (January, 2007)*.
2. Old Town Oversight Committee members shall be appointed for two-year staggered terms. Members shall continue to serve until their successors have been appointed.
3. No person, either appointed or re-appointed by the Town Council, may serve more than three (3) consecutive terms on the Old Town Oversight Committee. A person who has served three (3) consecutive terms shall be eligible for re-appointment after a lapse in service of at least 12 months.
4. Members of the Old Town Oversight Committee may be removed by the Town Council at any time for failure to attend three (3) consecutive meetings or for failure to attend 75 percent or more of the meetings within any 12 month period or for any other good cause related to performance of duties.
5. If a member moves outside the eligible area as specified in subsection 1 above or no longer owns property within the eligible area as specified in subsection 1 above, that shall constitute a resignation from the committee.

C. Officers

1. Annually, at the first regular meeting during the month of February, the Old Town Oversight Committee shall select from among its members a chairperson and vice-chairperson. Officers shall serve for a period of not more than two (2) consecutive one-year terms in the same capacity.
2. The chairperson shall preside over the Old Town Oversight Committee as a non-voting member (except in the case of breaking a tie), decide all points of order or procedure using the latest edition of “Robert’s Rules of Order” as a guide, and transmit reports and recommendations of the Old Town Oversight Committee to the Town Council.
3. The chairperson and vice-chairperson may take part in all deliberations.
4. The secretary to the Old Town Oversight Committee shall be a Town staff member assigned by the Planning Director.

D. Meetings

1. The Old Town Oversight Committee shall establish a regular meeting schedule and shall meet frequently enough, at least quarterly if necessary, so as to take action as expeditiously as possible on the items of business.
2. All Old Town Oversight Committee meetings shall be open to the public, and whenever feasible, the agenda for each meeting shall be made available in advance of the meeting.
3. A record of all meeting minutes and attendance shall be kept by the Committee secretary.

E. Quorum and Voting

1. A quorum shall be the simple majority of the Old Town Oversight Committee membership excluding vacant seats. A quorum is necessary to take official action.
2. All Old Town Oversight Committee members shall serve as voting members, except for the Chairperson who shall only vote in the case of a tie.

14.5 Technical Review Committee

A. Authority and Responsibility

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

1. **Preliminary Plat/Site Plan Approval:** Upon reviewing the plans for adherence to the UDO, the TRC may take the following action with regard to preliminary plat subdivisions and site plans:
 - Approve or deny the preliminary plat subdivision or site plan; or
 - Recommend major and/or minor changes to the preliminary plat or site plan to be considered by the developer; or
 - Conditionally approve preliminary plats or site plans subject to final review by the Administrator; or
 - Table the preliminary plat or site plan for further study or additional information; or
 - Forward the preliminary plat or site plan to the Town Council for further consideration.
2. To establish regular meeting times;
3. To establish the technical requirements for all applications including submission schedules, size and number of drawings, type of media, etc.;

B. Membership

The Technical Review Committee shall be chaired by the Planning Director and consist of the following additional members:

- Two (2) Planning Department Representatives
- Two (2) Town Council members as non-voting, ex officio members
- Town Fire Chief or Designee
- One (1) Public Works Department Representative
- One (1) Parks and Recreation Department Representative
- Town Engineer or Designee
- Town Manager

14.6 Staff

The Administrator shall serve as staff to the Land Use Review Board, the Old Town Oversight Committee and the Technical Review Committee.