
8.0 ADMINISTRATIVE AGENCIES

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8.1 PLANNING COMMISSION

8.1.1 MEMBERSHIP

A Planning Commission for the City of Goldsboro is hereby created. The Goldsboro Planning Commission shall consist of seven members. Five members appointed by the City Council shall reside within the City and two members appointed by the Wayne County Commissioners shall reside within the extraterritorial planning area of the City. Existing county representation on the Planning Commission, in excess of two members, shall be allowed to conclude their terms but not reappointed unless they are reappointed by the Wayne County Board of Commissioners to serve in one of the two membership slots allowed by this ordinance.

8.1.2 QUORUM

A quorum shall consist of a majority (51%) of Commission members, excluding vacant seats. All actions of the Commission shall be taken by majority vote, a quorum being present.

8.1.3 TERM OF OFFICE

Each of the members appointed by the City Council shall serve five-year terms with eligibility for reappointment to a second full term. Extraterritorial members shall be appointed for such period as the County Commissioners deem proper. If the Wayne County Commissioners fail to make this appointment within ninety days after receiving a resolution notifying them of a vacancy from the City Council, the City Council may make the appointments.

The extraterritorial members shall have the same rights, privileges and duties as City members of the Commission. Extraterritorial members are required to vote on each question, regardless of whether the matter at issue arises from within the City or within the extraterritorial planning area.

Vacancies occurring in the membership of the Planning Commission other than through the expiration of terms shall be filled for the unexpired term by the body that originally made the appointment.

Planning Commission members may be removed by the City Council at any time for failure to attend three successive meetings or for failure to attend at least seventy-five percent of meetings within any twelve-month period or for any other good cause related to the performance of duties.

If an in-City member moves outside of the City limits or if an extraterritorial area member moves outside of that jurisdiction, that shall constitute a resignation from the Planning Commission, effective upon the date a replacement is appointed.

8.1.4 ELECTION OF OFFICERS

The Planning Commission shall elect a chairperson from among the City members of the Commission and such other officers as it may deem proper. The term of the chairperson and other officers shall be 1 year, with eligibility for reelection.

8.1.5 ADOPTION OF RULES AND PROCEDURES

The Planning Commission shall adopt rules and procedures it finds necessary to conduct its business. Any rule or procedure adopted by the Commission shall be consistent with state law and this Ordinance.

8.1.6 MEETINGS

The Planning Commission shall establish a regular meeting schedule. All Commission meetings shall be open to the public and whenever feasible the agenda of the meeting shall be made available in advance of the meeting.

Since the Commission has an advisory authority, it need not conduct its meetings in accordance with the quasi-judicial procedures set forth in Section 3.2. However, it shall conduct its meetings to obtain necessary information and to promote the free exchange of ideas.

8.1.7 RECORDS

The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations.

8.1.8 STATUTORY POWERS

The Planning Commission may exercise any and all powers prescribed by state law and shall perform duties directed by the City Council that are consistent with said law.

8.1.9 FUNCTIONS AND DUTIES OF THE PLANNING COMMISSION

As the body charged with Comprehensive Planning, the Planning Commission may:

1. Make studies of areas within the City and its extraterritorial jurisdiction;
2. Determine the goals and objectives relating to growth, development and/or redevelopment of these areas;
3. Prepare plans for achieving the goals and objectives; and
4. Develop and recommend policies, ordinances, administrative procedures to carry out the plans.

As an advisory body to the City Council, the Planning Commission may make recommendations concerning:

1. Proposed official zoning map and Unified Development Ordinance changes;
2. Proposed rezonings, conditional district rezonings, conditional use permits and the master plans of planned unit development districts (PUD);
3. The location, character and extent of public improvements and the acquisition of land;
4. The landscape design of parks, streets, recreation areas, public buildings and other local developments;
5. Street names and street name changes;
6. New development proposals, including site plans, subdivision plans and preliminary plats;
and
7. Other matters as desired by the Planning and Community Development Director, directed by the Council or other governing Board or initiated by a Commission member.

8.1.10 SECTION RESERVED

8.2 BOARD OF ADJUSTMENT

8.2.1 MEMBERSHIP

A Board of Adjustment for the City of Goldsboro is hereby created. The Goldsboro Board of Adjustment shall consist of seven regular members and two alternate members. Five members appointed by the City Council shall reside within the City and two members appointed by the County Commissioners shall reside within the extraterritorial planning area of the City. The Planning Commission shall serve as the Board of Adjustment. The Planning Commission shall follow the rules of procedure established by the Board of Adjustment when operating in this capacity.

8.2.2 QUORUM

A quorum shall consist of a majority (51%) of the Board members, excluding vacant seats.

8.2.3 TERM OF OFFICE

Each of the Board members shall serve three-year terms with eligibility for reappointment to a second full term. If the County Commissioners fail to make this appointment within ninety days after receiving a resolution notifying them of a vacancy from the City Council, the City Council may make the appointments.

The extraterritorial members shall have the same rights, privileges and duties as City members of the Board. Extraterritorial members are required to vote on each question, regardless of whether the matter at issue arises from within the City or within the extraterritorial planning area.

Vacancies occurring in the membership of the Board other than through the expiration of terms shall be filled for the unexpired term by the body that originally made the appointment.

Board members may be removed by the City Council at any time for failure to attend three successive meetings or for failure to attend at least seventy-five percent of meetings within any twelve-month period or for any other good cause related to the performance of duties.

If an in-City member moves outside of the City limits or if an extraterritorial area member moves outside of that jurisdiction, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

8.2.4 ELECTION OF OFFICERS

The Board of Adjustment shall elect a chairperson from among the City members of the Board and such other officers, as it may deem proper. The term of the chairperson shall be one (1) year, with eligibility for reelection.

8.2.5 ADOPTION OF RULES AND PROCEDURES

The Board of Adjustment shall adopt rules and procedures it finds necessary to conduct its business. Any rule or procedure adopted by the Board shall be consistent with state law and this Ordinance.

8.2.6 MEETINGS

The Board of Adjustment shall establish a regular meeting schedule. All meetings shall be conducted in accordance with the quasi-judicial procedures set forth in Section 3.2. All meetings of the Board shall be open to the public and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

8.2.7 VOTING

The concurring vote of four-fifths of the regular Board membership shall be necessary to reverse any order, requirement, decision or determination of the Administrator, to find in favor of the applicant on the issuance of special use permits, to interpret imprecise Ordinance text or zoning district boundaries and to grant a variance or any matter upon which the Board is required to pass under this Ordinance.

However, the four-fifths majority vote means four-fifths of the entire Board, not just four-fifths of those present. For example, in the case of Goldsboro's seven member Board, if one member is absent and there are no alternate members to take the place of the absent member, a unanimous six votes would be required to obtain the necessary four-fifths majority. (Six being the first whole number to exceed four-fifths (0.80) of the entire Board). If alternate members are present, they may vote in place of any absent member.

All other actions of the Board shall be taken by majority vote, a quorum being present.

8.2.8 RECORDS

The Board of Adjustment shall keep a public record of its resolutions, transactions, findings and determinations. Final disposition of all cases considered by the Board shall be by written order with the findings of fact stated and the reasons therefore, all of which shall be a matter of public record.

8.2.9 FUNCTIONS AND DUTIES OF THE BOARD OF ADJUSTMENT

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

1. Appeal of administrative decisions. – To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, any Enforcement Officer or Watershed Administrator in the interpretation of the requirements of this Ordinance.
2. Special uses – To hear and decide only such special uses as the Board is authorized to pass on by the terms of this Ordinance.

3. Variances – To grant variances in accordance with state law and where assigned by this Ordinance.
4. Interpretation -To interpret the location of lines on the official Zoning Map or Zoning Ordinance text requirements where the map or text appears to be unclear.
5. Conditions of approval – In granting any special use permit or variance the Board may prescribe additional requirements and safeguards to insure the purpose of this Ordinance.
6. To approve alternate landscaping plans when a strict application of the Ordinance requirements would result in an unreasonable or impractical solution or situation. Approval shall be consistent with the intent and purpose of the landscaping requirements of this Ordinance. This provision shall not apply to landscape plans that require City Council approval.

8.2.10 SECTION RESERVED

8.3 CITY COUNCIL

8.3.1 PROCEDURES

The City Council, in considering conditional use permits applications and vested right site-specific development plans (as defined in Section 2.8 - Vested rights), acts in a quasi-judicial capacity and accordingly is required to observe the procedural requirements set forth in Section 3.2. In considering proposed changes in the text of this Ordinance or in the zoning map, the Council acts in legislative capacity and must proceed in accordance with the requirements of Section 3.3.

Unless otherwise specified, in acting upon conditional use permit applications or in considering amendments to this Ordinance or the Zoning Map, the Council shall follow the regular, voting and other requirements as set forth in other provisions of the City Code, the City Charter or general law.

8.3.2 FUNCTIONS AND DUTIES OF THE CITY COUNCIL

The City Council shall have the following powers and duties:

1. Development approval - To render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Ordinance;
2. Rezoning approval – To render final decisions on rezoning and conditional use rezoning applications;
3. Conditions of approval – In granting any conditional use permit the Council may prescribe additional requirements and safeguards to insure the purpose of this Ordinance;
4. Comprehensive Plan - To adopt and amend a Comprehensive Plan or any element thereof;
5. Amendments – To initiate amendments to the text and map of this Ordinance and the Comprehensive Plan;
6. Planning Commission review - To review recommendations of the Planning Commission on issues and actions over which said recommendations are required; and
7. Other - To take such other action not otherwise delegated, as the City Council may deem necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

8.3.3 SECTION RESERVED

8.4 PLANNING, COMMUNITY DEVELOPMENT DIRECTOR, AND ADMINISTRATION

8.4.1 PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

The Planning and Community Development Director is the administrative head of the Planning and Community Development Department. As provided in Sections 2.2, 2.3, 2.4, and 2.9, the Planning and Community Development Director or his designee is authorized to approve major and minor final subdivision plats, sign permits, zoning permits and minor or insignificant changes to site plans, master plans and subdivision final plats.

8.4.2 ADMINISTRATION

Except as otherwise specifically provided, the City Manager or Planning and Community Development Director may assign administering and enforcing this Ordinance to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the “Land Use Administrator,” “Zoning Administrator,” “Zoning Enforcement Officer,” or “Administrator.” The term “staff” or “planning staff” is sometimes used interchangeably with the term “Administrator.”

8.4.2.1 FUNCTIONS AND DUTIES OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

The Planning and Community Development Department shall have the following functions and duties:

1. Staff reports – To prepare studies, reports and recommendations concerning specific development proposals where such reports are required or requested by the City Council, Board of Adjustment and Planning Commission;
2. Public information and technical assistance - To coordinate the City’s planning program, including liaison, information and technical assistance to citizens, community groups, Commissions, Boards and the supervision of planning studies and reports;
3. Administration and enforcement – To administer and enforce land use controls such as zoning, subdivision and other technical regulations;
4. Technical support - To assemble data, prepare maps and maintain a complete information system to support the development of planning policy and the Comprehensive Planning process;
5. Plan preparation, coordination and implementation – To prepare and implement plans, studies and coordination of efforts dealing with the environment, neighborhoods, housing, open space, urban design, historic preservation and other development issues; and
6. Interdepartmental assistance – To assist the other departments of the City in formulating and implementing programs for the Goldsboro area.

8.4.3 SECTION RESERVED

8.5 HISTORIC PRESERVATION COMMISSION

8.5.1 MEMBERSHIP

A Historic Preservation Commission, known in this Section as the “Commission,” for the City of Goldsboro is hereby created. The Commission shall consist of seven regular members, two alternate members and two ex-officio members. The members at the time of appointment shall reside within the planning and zoning jurisdiction of the City. The members of the Commission shall be qualified by special interest, knowledge or training in such fields as architecture, construction or historic preservation. Members of the Commission may be reimbursed for actual expenses in the performance of their duties, but will serve without compensation. Alternate members, when acting on the commission, shall have all the same powers and duties as the member for which they substitute.

Two ex-officio members shall serve as follows:

1. The Mayor or one member of the City Council; and
2. An at-large member appointed by the City Council.

8.5.2 QUORUM

A quorum shall consist of four members. All actions shall be taken by a simple majority, excluding vacant seats.

8.5.3 TERM OF OFFICE

The members of the Commission shall serve as follows: three for two years, two for three years and two for four years.

8.5.4 ELECTION OF OFFICERS

The Commission shall elect a chairperson and vice chairperson and such other officers as it may deem proper. The term of the chairperson shall be one year, with eligibility for reelection.

8.5.5 ADOPTION OF RULES AND PROCEDURES

The Commission shall adopt rules and procedures it finds necessary to conduct its business. Any rule or procedure adopted by the Commission shall be consistent with state law and this Ordinance.

8.5.6 MEETINGS

The Commission shall establish a regular meeting schedule. All meetings of the Commission shall be open to the public and whenever feasible the agenda for each Commission meeting shall be made available in advance of the meeting.

8.5.7 RECORDS

The Commission shall keep a public record of its resolutions, transactions, findings and determinations.

8.5.8 FUNCTIONS AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION

The function and duties of the Commission include:

1. Project approvals – To review and act upon the appropriateness of proposals for alterations, demolitions or new construction within historic districts or to historic landmarks;
2. Historic resources inventory – To undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance;
3. Historic district and landmark designation – To recommend to the City Council areas to be designated by ordinance as “Historic Districts”; and individual structures, buildings, sites, area or objects to be designated by ordinance as “Landmarks;”
4. Historic property acquisition – To acquire by any lawful means the fee or any lesser included interest, including the option to purchase properties within an established district or any property designated as a landmark;
5. Negotiation – To negotiate at any time with the owner of a building, site, area or object for its acquisition or preservation;
6. Historic property protection – To restore, preserve and operate historic properties;
7. Revocation of designation – To recommend to the City Council that the designation of any area as a historic district or part thereof, or designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause;
8. Public outreach – To conduct an educational program with respect to historic properties and districts within its jurisdiction;
9. Intergovernmental partnerships - To cooperate with state, federal and local governments in pursuance of purposes of this part. The City Council may authorize the Commission to contract with state and federal governments or any agency of either, or with any other organization provided the terms are not inconsistent with state and federal law;

10. Property inspection – To enter, solely in performance of its official duties and only at reasonable times, upon private lands for the examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building without the express consent of the owner or occupant thereof; and
11. Comprehensive Planning – To prepare and recommend the official adoption of a preservation element of the City’s Comprehensive Plan.

8.5.9 SECTION RESERVED

8.7 WATERSHED REVIEW BOARD

8.7.1 MEMBERSHIP

A Watershed Review Board of the City of Goldsboro is hereby created. The Goldsboro Watershed Review Board shall consist of the Board of Adjustment appointed by the City of Goldsboro City council and the Wayne County Board of Commissioners.

8.7.2 QUORUM

See Board of Adjustment (Section 8.2).

8.7.3 TERM OF OFFICE

See Board of Adjustment (Section 8.2).

8.7.4 ELECTION OF OFFICERS

See Board of Adjustment (Section 8.2).

8.7.5 ADOPTION OF RULES AND PROCEDURES

See Board of Adjustment (Section 8.2).

8.7.6 MEETINGS

See Board of Adjustment (Section 8.2).

8.7.7 VOTING

See Board of Adjustment (Section 8.2).

8.7.8 RECORDS

See Board of Adjustment (Section 8.2).

8.7.9 FUNCTIONS AND DUTIES OF THE BOARD OF ADJUSTMENT IN ITS CAPACITY AS WATERSHED REVIEW BOARD

1. Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.
2. Variances. The Watershed Review Board shall have the power to authorize, in specific cases,

minor variances from the terms of this Ordinance as set forth in Section 5.8 of this Ordinance, and which will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

3. Interpretation – To interpret the location of watershed boundary lines on the official Zoning Map or Zoning Ordinance text requirements where the map or text appears to be unclear.
4. Conditions of approval – In granting any special use permit or variance the Board may prescribe additional requirements and safeguards to insure the purpose of this Ordinance.

8.7.10 SECTION RESERVED