

**RULES OF PROCEDURE  
BOARD OF ADJUSTMENT  
TOWN OF HUNTERSVILLE, NORTH CAROLINA**

**I. GENERAL RULES**

The Board of Adjustment (the "Board") shall be governed by the terms of Chapter 160D, Article 3 of the North Carolina General Statutes and by the Town of Huntersville Zoning Ordinance (the "Zoning Ordinance") and Code of Ordinances. All members of the Board shall thoroughly familiarize themselves with these laws. The Board, being a public body, shall at all times conduct meetings in conformity with the North Carolina Open Meetings Law. The members of the Board shall also act as the Watershed Review Board.

**II. OFFICERS AND DUTIES**

**A. Appointments**

The Board shall consist of seven (7) regular members ("Regular Members") and three (3) alternate members ("Alternate Members"). The Regular Members shall consist of six (6) members who reside within the corporate limits, and one (1) extraterritorial member. The number of Regular Members appointed who reside in the extraterritorial zoning jurisdiction ("ETJ") shall at a minimum meet the requirement of N.C.G.S. § 160D-307 for proportional representation, but shall in no instance be less than one (1). The Alternate Members shall consist of at least two (2) members who reside within the corporate limits, with the remaining Alternate Member residing in either the corporate limits or the ETJ.

Regular and Alternate Members shall be appointed by the Town of Huntersville Board of Commissioners (the "Town Board") to terms of office of three (3) years. Members of the Board shall be limited to two (2) consecutive terms, unless the term limit is waived by the Town Board; however, a former member may be reappointed after remaining off the Board for at least one (1) year.

If vacancy on the Board occurs by reason of death, resignation, change of residence, Town Board removal, or any other reason, the seat shall be filled by the Town Board in an expeditious manner for the duration of the unexpired term. The Town Board may appoint certain members for less than three (3) years so that the terms of all members shall not expire at the same time.

The Town of Huntersville Planning Department (the "Planning Department") shall be responsible for maintaining a current list of Board members, which includes the effective date of each appointment and the expiration date of each term. The Planning Department shall inform the Town Board of the expiration date of each term of appointment at least sixty (60) days prior to the expiration date of the term.

At the regular Board meeting held in the month of July, or at the first regular meeting held after July, the Board shall elect a Chairman and Vice Chairman from among their Regular Members. All Regular and Alternate Members shall be allowed to vote. Officeholders, however, shall be

limited to Regular Members. Terms of office shall be one (1) year. Persons may be reelected to the same office for successive terms.

**B. Duties**

The Chairman shall decide upon all points of order and procedure subject to these Rules unless directed otherwise by a majority of the Regular Members of the Board in session at the time. The Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times, shall have the same powers and duties as the Chairman. In the event of the absence of both the Chairman and the Vice Chairman from a Board of Adjustment meeting, the Regular and Alternate Members present may elect a temporary Chairman for that meeting and proceed with the order of the business. The Chairman, or any member acting as Chairman, is authorized to administer oaths to witnesses (who may either swear or affirm) in any matter coming before the Board.

**C. Secretary**

A staff member of the Planning Department shall be the recording Secretary to keep minutes of regular and special Board meetings. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. The minutes shall reflect all the important facts pertaining to each meeting and hearing, including the members present, absent, or recused for each matter before the Board; the vote of each voting member of the Board upon the final determination of any question before the Board; and the resolution of every matter acted upon by the Board. The minutes shall be kept at the office of the Planning Department. The Secretary is authorized to administer oaths to witnesses (who may either swear or affirm) in any matter coming before the Board.

**III. RULES OF CONDUCT FOR MEMBERS**

**A. Removal**

Members of the Board may be removed by the Town Board for cause, including violation of the Rules stated herein.

**B. Attendance**

In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend all meetings. All voting members are expected to participate in discussions and ask questions. If any Regular or Alternate Member is absent for three (3) regular meetings within any twelve (12) month period, such member may be removed by the Town Board and a replacement made for the unexpired portion of the term. The Chairman may treat extenuating circumstances and emergency situations as an exception to the attendance rule. The Board may make a recommendation to the Town Board regarding removal of a member for specified causes. The request must be in writing and signed by the Chairman of the Board.