

ARTICLE IX  
ADMINISTRATION

9-1 ADMINISTRATIVE PROCEDURES

9-1.1 General

The Governing Body shall provide for the manner in which the provisions of this Ordinance shall be determined, established and enforced, and amended, supplemented or changed. A Board within the context of this Ordinance shall mean any board, commission, or agency empowered therein.

9-1.2 Notice

- A) Rezoning, Variance, Certificate of Appropriateness, or Watershed Waiver: Whenever there is a request for a map reclassification, Special Use Permit, variance, Certificate of Appropriateness or watershed waiver, involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification, permit, or action.
- 1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts.
  - 2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.
  - 3) Notice requirements specified in this Section shall not apply in the case of comprehensive rezoning of all property within the Jurisdiction.
  - 4) Hearing notice of such proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
  - 5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing.
- B) Text Amendment and Appeal: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance; a hearing notice of such proposed action shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
- C) Board Approval of Subdivision or Site Plan: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

### 9-1.3 Organization

The Governing Body shall require that each of the Boards provided for by this Ordinance adopt rules and maintain records.

- A) Rules of Conduct: Each Board shall adopt rules necessary to conduct its affairs and which establish Board organization, procedures, meeting notice and meeting conduct.
- B) Conformance of Rules: Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.
- C) Election and Terms of Officers: unless otherwise provided by this Ordinance, Chairman and Vice Chairman and Secretary of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary does not have to be a member of the Board.
- D) Record of Meetings: The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate such fact. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

### 9-1.4 Alternate Members

- A) Inclusion of Alternates: Each Board may include alternate members to serve in the absence of any regular member.
- B) Powers and Duties: Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all powers and duties of a regular member.

### 9-1.5 Terms

- A) Length of Terms: Members and alternate members, if any, of the Board shall serve a term of three (3) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time.
- B) Filling of Vacancies: Vacancies created by resignation or other causes shall be filled as follows:
  - 1) A new member or an alternate member may be appointed to fill the unexpired term of the member so vacating.
  - 2) Members filling vacancies shall serve for the remainder of the unexpired term.

## 9-1.6 Compensation

Compensation, if any, for Board members may be provided for by the Governing Body.

## 9-2 THE PLANNING BOARD

### 9-2.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A-361 and 153A-321 to be known as the Planning Board.

### 9-2.2 Membership

The Planning Board shall consist of at least nine (9) members and may have alternates, appointed by the Governing Body. Extraterritorial members and alternates shall be appointed as provided by North Carolina General Statutes.

### 9-2.3 Powers and Duties

The Planning Board shall have the following powers and duties;

- A) to hear and decide matters in accordance with terms of this Ordinance; to wit: zoning map amendments, and Special Use Permits. These duties may be assigned to a separate Zoning Commission if the Governing Body so designates,
- B) to hear and decide matters on appeal from the Technical Review Committee and the Enforcement Officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans,
- C) to hear and decide on matters pertaining to road name changes, road closings, right-of-way vacations, easement removals, right-of-way encroachments, and watershed matters as assigned,
- D) to provide recommendations to the Governing Body with regard to any of the above matters which may be appealed; as well as those matters which remain with the Governing Body as original jurisdiction such as text amendments and watershed waivers,
- E) to develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing Body,
- F) to make such other studies and plans and review such other related matters as directed by the Governing Body, and
- G) any other powers and authority provided to it by the Governing Body, this Ordinance and state law.

## 9-3 TECHNICAL REVIEW COMMITTEE

### 9-3.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A-361 and 153A-321 known as the Technical Review Committee (TRC).

### 9-3.2 Membership

- A) Number of Members: The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate.
- B) Planning Board as TRC: If the Governing Body chooses not to appoint a Technical Review Committee, the Planning Board shall sit as the TRC subject to the provision of this Ordinance.

### 9-3.3 Officers

The Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

### 9-3.4 Powers and Duties

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

- A) to provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and the approval of certain technical aspects of land use and development proposals;
- B) to review all technical aspects of all development occurring within the jurisdictional area of the Governing Body;
- C) to review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards);
- D) to recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-way; the condemnation of property for the benefit of the public; or encroachments within public right-of-way and the establishment of encroachment agreements;
- E) to perform any other related duties that the Governing Body may direct; and
- F) any other power and authority provided to it by the Governing Body, this Ordinance and State law.

## 9-4 HISTORIC PRESERVATION COMMISSION

### 9-4.1 Authority

There is hereby created, pursuant to NCGS 160A-400, a Historic Preservation Commission. Pursuant to section 4 NCGS 160A-400.14, nothing in this Ordinance shall effect the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statutes; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission created by ordinance dated.

### 9-4.2 Membership

- A) General Make-up: The Historic Preservation Commission shall be composed of at least seven (7) members.
- B) District Representation: Each existing historic district shall be represented by not more than one (1) person on the Historic Preservation Commission, and the remaining membership shall be composed of persons who have demonstrated an interest in the preservation of historic structures and areas.
- C) Designation: The Guilford County Joint Historic Properties Commission may be designated by a Jurisdiction to perform the duties of a Historic Preservation Commission.

### 9-4.3 Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

- A) to review, analyze, and recommend to the Planning Board, items which pertain to existing and potential historic districts and individual structures, buildings, sites or objects to be designated by ordinance as “landmarks” within the jurisdiction of the Governing Body;
- B) to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
- C) to recommend designation or removal of the designation of “Historic District” for any area within the jurisdiction of the Governing Body. Such designation or removal shall follow an investigation and a report describing the significance of the structures, site features, or surroundings in the district;
- D) to grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold a public hearings on the issuance or revocation of such Certificates;

- E) to recommend appropriate changes to this Ordinance which relate to a historic districts or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the Governing Body;
- F) to acquire by lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
- G) to restore, preserve, and operate historic properties;
- H) to recommend to the Governing Body that 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;
- I) to conduct an educational program with respect to historic properties and districts within the jurisdictional area of the Governing Body;
- J) to prepare and recommend for adoption a preservation element as a part of the Jurisdiction's comprehensive plan;
- K) to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;
- L) to exercise such other powers as may be given it by law or assigned to it by the Governing Body; and
- M) any other power and authority provided to it by the Governing Body, this Ordinance and state law.

## 9-5 BOARD OF ADJUSTMENT

### 9-5.1 Authority

A Board of Adjustment is hereby established pursuant to NCGS 160A-338 and 152A-345.

### 9-5.2

### 9-5.3 Membership

- A) Number of Members: The Board of Adjustment shall consist of at least five (5) members and may have alternates as appointed by the Governing Body.
- B) Governing Body Serving as Board of Adjustment: If the Governing Body chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.

#### 9-5.4 Powers and Duties

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

- A) to hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance;
- B) to review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;
- C) to hear and decide any exceptions which are specifically delegated to it by this Ordinance;
- D) to determine and vary application of regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;
- E) to hear and decide appeals for variances from the terms of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;
- F) to interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;
- G) to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; and
- H) to determine upon the application of an owner or the referral from the Enforcement Officer whether a proposed nonconforming use is less intensive or equal than an existing, legal nonconforming use, in accordance with Section 3-12.2 (Nonconforming Use of Land).

#### 9-5.5 Voting

- A) Required Vote for Approval: A four-fifths (4/5) vote of its members shall be required for a Board of five (5) members to :
  - 1) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation; of an administrative officer charged with enforcing an ordinance adopted pursuant to this Ordinance.
  - 2) Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance.
  - 3) Grant a variance from the provisions of the Ordinance.
  - 4) Grant special exceptions for Historic Districts and other purposes as assigned.
- B) Vote of the Chairman: The Board chairman shall vote as any other Board member.
- C) Delay of Decision: The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

#### 9-5.6 Court Review

- A) Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.
- B) Timing of Appeal:
  - 1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Planning or Building Inspections Department; or
  - 2) 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 Board at the time of its hearing of the case, whichever is later.

#### 9-5.7 Notice of Decision

The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

#### 9-5.8 Oaths

The Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses in any matter coming before the Board.

#### 9-5.9 Appeals To The Board

- A) Appeal Eligibility: Any person aggrieved or any officer, department, board, or bureau of the Governing Body may make an appeal.
  - 1) Appeals shall be made within the time prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.
  - 2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such action was taken.
- B) Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of the facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. Notice of Application to the Board for a stay shall be given in writing by the party making the appeal.
- C) Effect of Certification: If certification occurs in accordance with Section 9-5.9(B) (Effect of Appeal), proceedings may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice to the officer from whom the appeal is taken shall be given in writing prior to a hearing.

- D) Notice of Hearing: The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.
- E) Action of Board: The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, or determination that in the Board's opinion ought to be made in the circumstances.
- F) Conditions of Rehearing: The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

#### 9-5.10 Variances

- A) Application: An application for a variance shall be submitted in writing to the Board by filling a copy of the application with the Enforcement Officer.
- B) Procedure: the Board shall:
  - 1) Fix a reasonable time for holding a public hearing on the variance request;
  - 2) give notice of the variance request as prescribed in Section 9-1.2 (Notice); and
  - 3) decide the variance request within a reasonable time.
- C) Grounds for Variance:
  - 1) The Board shall make findings of fact that the requirements of Section 9-5.10(D) (Granting of Variance) have been met by the applicant.
  - 2) the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - 3) the Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.
  - 4) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance.
- D) Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:
  - 1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
    - a) If the applicant complies with the provisions of this Ordinance, he can make no reasonable use of his property.
    - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property.
    - c) The hardship relates to the applicant's property, rather than personal circumstances.

- d) The hardship is not the result of the applicant's own actions.
  - 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
  - 3) The granting of the variance assures the public safety and welfare and does substantial justice.
- E) Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.
- 1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
  - 2) A variance granted subjected to a condition shall be permitted only so long as there is compliance with the condition.
  - 3) If a violation of a condition of a variance occurs, the Enforcement Officer may revoke the Certificate of Occupancy.
  - 4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void. The Certificate of Occupancy may then be revoked.
- F) Duration: The variance may be issued for an indefinite duration or for a specified duration only. Construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or it shall become void.

#### 9-5.11 Flood Control Appeals

- A) Authority: The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.
- B) Appeal and Variance Considerations: In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and;
- 1) the danger that materials may be swept onto other lands to the injury of others;
  - 2) the danger to life and property due to flooding or erosion damage;
  - 3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4) the importance of the services provided by the proposed facility to the community;
  - 5) the necessity to the facility of a waterfront location, where applicable;
  - 6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - 7) the comparability of the proposed use with existing and anticipated development;

- 8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- 9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 11) the costs of providing governmental services during and after conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
- 12) the effect that granting the appeal or variance would have in the jurisdiction's eligibility for Federal Flood Insurance.

C) Granting of Variances:

- 1) Variances shall not be issued any designated floodway if any increase in flood levels during the base flood discharge would result.
- 2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 3) Variances shall only be issued upon:
  - i) a showing of good and sufficient cause;
  - ii) a determination that failure to grant the variance would result in exceptional hardship; and
  - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

## 9-6 ENFORCEMENT OFFICER

### 9-6.1 Establishment and Authority

The Governing Body shall appoint Enforcement Officer(s) to administer and enforce the provisions of this Ordinance. The Enforcement Officer may be provided with such agents to assist in the administration and enforcement as the Governing Body directs.

## 9-6.2 General Duties

The Enforcement Officer shall:

- A) establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- B) issue permits and certificates pursuant to this Ordinance;
- C) review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- D) interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- E) maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
- F) periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
- G) cause to be investigated violations of this Ordinance;
- H) enforce the provisions of the Ordinance;
- I) issue notice of corrective action(s) when required;
- J) use the remedies provided in this Ordinance to gain compliance;
- K) be authorized to gather evidence in support of said activities; and
- L) perform other duties as may be assigned by the Governing Body.

## 9-6.2 Floodplain Zoning Duties

The Enforcement Officer shall:

- A) advise permitted that additional federal or state permits may be required, and if specific federal or state permits are known, required that copies of such permits be provided and maintained on file with the development permit;
- B) notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse within a floodplain, and submit evidence of such notification to the Federal Emergency Management Agency;
- C) assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- D) prevent encroachments within floodways unless the certification and flood hazard reduction provisions are met;
- E) verify and record the actual elevation (in relation to mean sea level) of the lowest floor ( including basement) of all new or substantially improved structures;

- F) verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed;
- G) when flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;
- H) where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article; and
- D) when base flood elevation data or floodway data has not been provided, the Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to this Ordinance, in order to administer the provisions of this Ordinance.

#### 9-6.4 Airport Zoning Duties

The Enforcement Officer shall also administer and enforce the “Airport Zoning Regulations of the Greensboro-High Point Airport” adopted by Greensboro-High point Airport Authority on April 15, 1958, as the same may from time to time be amended, in connection with the enforcement of the Ordinance; provided, however, that this Ordinance shall not limit the effectiveness or scope of such airport zoning regulations. The Enforcement Officer shall not issue a building permit or certificate of occupancy for any building not in conformity with the provisions of the “Airport Zoning Regulations of the Greensboro-High Point Airport,” except upon written order of the Board of Airport Zoning Appeals.

#### 9-6.5 Deviation to Dimensional Requirement

If the Enforcement Officer finds that any dimensional requirement in this Ordinance has not been specifically adhered to, but that such deviation was a result of a good faith error and that said error would not adversely impact an adjoining property, he may permit a dimension deviation up to and including one (1) foot. Only one dimension deviation per building may be allowed.

#### 9-6.6 Historic District Requirements

Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places under the conditions set forth in Section 4-7.1 (Historic Districts).

## 9-7 APPEALS

### 9-7.1 General

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be:

- A) in writing;
- B) filed within fifteen (15) days of the decision; and
- C) filed with the Secretary of the Board or Commission to which the appeal is taken.

### 9-7.2 Planning Board

- A) Unless otherwise provided, appeal from a decision of action of the Technical Review Committee is to the Planning Board. Such appeals shall include subdivisions and site plans, including waivers authorized therein.
- B) Unless otherwise provided, an appeal from a decision of an Enforcement Officer with regard to an erosion control plan, a watershed control plan, a minor subdivision, or a malls scale site plan is to the Planning Board.

### 9-7.3 Board of Adjustment

- A) Unless otherwise provided, the decision of an Enforcement Officer with regard to an interpretation of this Ordinance, a floodplain, boundary, or a zoning boundary, can be appealed to the Board of Adjustment.
- B) Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.
- C) Appeal from a decision of the Historic Preservation Commission with regard to a Certificate of Appropriateness shall be to the Board of Adjustment in the nature of certiorari.

### 9-7.4 Governing Board

- A) Appeals from a decision of the Planning Board or Zoning Commission with regard to a zoning map amendment to a standard or conditional use district; special use permit; watershed waiver; and street names shall be to the Governing Body.
- B) Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, site plan, or erosion control plan approval shall be to the Governing Body.

### 9-7.5 Judicial Appeal

Except as otherwise provided, an appeal from decision of the Governing Body or the Board of Adjustment is to a court of competent jurisdiction.

#### 9-7.6 Soil Erosion and Sedimentation Appeals

- A) Written Appeal: The disapproval or modification of any proposed erosion control plan by the Enforcement Officer, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.
- B) Timing: A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or next scheduled meeting, after the date of the appeal or request for a hearing.
- C) Recommendation: The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any erosion control plan.
- D) Public Hearing: The Governing Body will render its final decision on any erosion control plan upon which a hearing is requested within fifteen (15) days of receipt of the recommendations from the Planning Board.
- E) Appeal of Governing Body Denial: If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be the entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).