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**Article IV Administration****Section 4.1 Town Council**

The Town Council, as the governing body of the Town of Stanley, acts in its legislative capacity when considering proposed amendments to the text of this Ordinance or to the Zoning Map and shall observe the procedural requirements set forth in this Ordinance. When considering amendments to this Ordinance or the Zoning Map, the Town Council shall follow the regular voting procedure and other requirements as set forth in other provisions of the Town Code, the Town Charter, or general law. It is the intention of this Ordinance that the duties of the Town Council in connection with this Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in this Ordinance. Furthermore, the duties of the Town Council in connection with this Ordinance shall be only that of considering and passing upon any proposed amendments, Conditional Use District permits, or repeal of this Ordinance as provided by law.

**Section 4.2 Planning Board**

As set forth in the Rules of Procedure Stanley Planning Board, adopted January 1, 1997 and amended February 19, 2008, the primary objective of the Stanley Planning and Zoning Board, hereafter referred to as the “Planning Board” is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Stanley and its extraterritorial jurisdiction. Members of the Planning Board shall be appointed by the Stanley Town Council and the Gaston County Board of Commissioners for three (3) year terms on a staggered basis. The Planning Board shall consist of six (6) members. Four (4) members shall be residents of the Town of Stanley and shall be appointed by the Stanley Town Council; two (2) members shall be residents of the Town of Stanley’s extraterritorial jurisdiction and shall be appointed by the Gaston County Board of Commissioners. If a vacancy occurs on the Planning Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by a Town Council or Board of Commissioners appointment for the duration of the unexpired term.

The purposes of the Planning Board are:

- (a) To make studies of the Town and its extraterritorial jurisdiction;
- (b) To determine objectives to be sought in the development of the areas under study;
- (c) To prepare and adopt plans for achieving these objectives;
- (d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (e) To advise the Town Council in the use and amendment of means for carrying out these plans;

- (f) To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct; and,
- (g) To perform any other related duties that the Town Council may direct.

The Planning Board shall be further governed by the Rules of Procedure Stanley Planning Board regarding the election of officers, meetings, attendance, order of business, conflict of interest, action by the Planning Board, and adoption and amendment.

### Section 4.3 Board of Adjustments

There shall be and is hereby created, in accordance with G.S. 160A-388 of the General Statutes of North Carolina, a Board of Adjustment (hereafter referred to as the Board). The Board shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and the Town of Stanley Rules of Procedure Zoning Board of Adjustment, amended February 26, 2008. The rules of procedure shall be in accord with the North Carolina General Statutes and shall be kept in the office of the Zoning Enforcement Officer for public information.

The Board shall consist of six (6) members and two (2) alternates, each to be appointed for three (3) years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the City Council may appoint certain members for less than three years so that the terms of all the members shall not expire at the same time. Four (4) members and one (1) alternate shall be residents of the Town of Stanley and appointed by the Town Council. Two (2) members and one (1) alternate shall be residents of the extraterritorial jurisdiction and appointed by the Gaston County Board of Commissioners as provided in G.S. 260A-362. Alternate members may attend all meetings of the Board but shall serve, participate and vote only in the absence of a regular member, except for procedural matters as described in the Rule of Procedure. During the absence of any regular member an alternate member regardless of his/her residency, shall serve and may exercise all the powers and duties of a regular member.

The Board shall hear and decide conditional use permits, requests for variances, appeals of decisions of administrative officials charged with enforcement of the Ordinance, herein referred to as the Zoning Enforcement Officer, and appeals as outlined in Section 6.1 of this Ordinance and the Rules and Procedures of the Board of Adjustments. The term "decision" as used in this section, includes any final and binding order, requirement or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and conditional use permits. The Board shall hear and decide all matters, upon which it is required to pass under any statute or ordinance that regulates land use or development.

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#### **Section 4.4 Zoning Enforcement Officer**

This Ordinance shall be administered and enforced by the Zoning Enforcement Officer. This position will be filled as part of the duties of Town Manager or by persons appointed by the Town Manager. The Zoning Enforcement Officer may also appoint additional agents to act on his/her behalf. If the Zoning Enforcement Officer or appointed agents shall find that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions; alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions. If a ruling of the Zoning Enforcement Officer or his/her appointed agent is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

#### **Section 4.5 Project Review Committee**

All commercial, industrial and multi-family development, must be approved prior to the start of construction by the Project Review Committee. This committee shall consist of the Town Manager, Public Works Director, Zoning Enforcement Officer, Pre-Treatment Coordinator, Police Chief, Fire Chief, Board of Health, and when necessary, a representative of the Gaston County Health Department or the Building Inspections Department. The Project Review Committee shall review all pertinent applications for conditional use permits and zoning permits to determine whether or not the proposed development meets the standards established in this Ordinance and all other applicable regulations within the Town of Stanley. This review shall be of a technical nature only and shall not involve negotiation with developers or the exercise of discretionary authority.