

**TOWN OF MAGGIE VALLEY
ORDINANCE 1084**

WHEREAS, The Board of Aldermen desire to convey clear concise rules and procedures to the Board of Adjustment

WHEREAS, The Board of Aldermen feel it necessary to update the rules and procedures to reflect current North Carolina General Statutes

NOW THEREFORE, be it ordained by the Board of Aldermen of the Town of Maggie Valley, in the State of North Carolina, as follows:

SECTION 1: AMENDMENT “158.08 BOARD OF ADJUSTMENT ESTABLISHED” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

158.08 BOARD OF ADJUSTMENT ESTABLISHED

- A. A Board of Adjustment for the Town of Maggie Valley and its area of extraterritorial jurisdiction is hereby established.
- B. *Membership; terms of office; vacancies.*
 - 1. The Board of Adjustment shall consist of nine (9) members. Seven (7) members of the Board of Adjustment shall be appointed by the Board of Aldermen of the Town of Maggie Valley and two (2) members shall be appointed by the Haywood County Board of Commissioners in order to decide issues in the Extraterritorial Jurisdiction (ETJ).. At no time shall more than five members vote in any meeting or hearing; additionally, no Alternate member shall vote on any issue before the Board unless the Alternate is standing in for a regular member. ETJ members may vote only on matters affecting the ETJ.
 - 2. For the initial appointments to the Board of Adjustment, the Town of Maggie Valley shall appoint one member for a 1-year term, two members for a 2-year term, two members for 3-year terms, and two alternate members for three year terms. Haywood County shall appoint two members for a 3-year term to decide ETJ issues. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Each successive appointment of members to the Board shall be for a term of 3 years. Members may be appointed for any number of successive terms.
 - 3. The Board of Aldermen shall appoint two (2) alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. The alternate members shall be appointed for 3-year terms. The

alternate members, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and exercise all the powers and duties of the regular member so absent. However, no Alternate member shall vote on any issue before the Board unless the Alternate is standing in for a regular member.

4. Those members of the Board of Adjustment that reside within the extraterritorial area and being those same members appointed by the Haywood County Board of Commissioners shall vote only on matters originating within and/or affecting the extraterritorial area.
- C. *Attendance.* Faithful attendance at the meetings of the Board of Adjustment is required in order to maintain membership on the Board, and members who miss 3 consecutive meetings, automatically forfeit membership. A member terminated for lack of attendance may appear before the Board of Aldermen and request reinstatement.
- D. *Organizational meeting; election of Chairperson, officers; terms.* Within 30 days after the appointment of members to the Board of Adjustment, the Board shall meet and elect a Chairperson and create and fill any offices as it may determine. The term of the Chairperson and other offices shall be for 1 year, with eligibility for re-election for any number of successive terms.
- E. *Regular meetings required; quorum.*
1. The Board of Adjustment may hold monthly meetings, or meet as needed, and all of its meetings shall be open to the public.
 2. A quorum for routine administrative decisions and for deciding an appeal from a decision of the Town Planner, or an application for a Special Use Permit, shall consist of three qualified members of the Board of Adjustment. However, a quorum necessary to decide in favor of the applicant for a variance or to affect any variation of this ordinance requires no less than four qualified Board members to be present in order to have the required 4/5 supermajority vote.
- F. The Board of Adjustment shall adopt rules for transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings, and recommendations, which record shall be a public record.
- G. The Board of Adjustment may conduct public hearings as may be required to carry out its duties under this ordinance and as prescribed by state law.
- H. On all appeals, applications, and other matters brought before the Zoning Board of Adjustment, the Board shall inform, in writing, the parties involved of its decisions and the reasons therefore.
- I. Members of the Board of Adjustment, when duly authorized by the Board of Aldermen, may attend planning conferences or meetings of planning institutes, or hearings upon pending planning legislation, and the Board may, by formal and affirmative vote, pay, within the Board's budget, the reasonable traveling expenses incident to the attendance.

AFTER AMENDMENT

158.08 BOARD OF ADJUSTMENT ESTABLISHED

- A. A Board of Adjustment for the Town of Maggie Valley and ~~its area of extraterritorial jurisdiction~~ is hereby established.
- B. *Membership; terms of office; vacancies.*
1. The Board of Adjustment shall consist of ~~seven~~ ~~nine~~ ~~(79)~~ members, five (5) regular members and two (2) alternate. ~~All S~~seven (7) members of the Board of Adjustment shall be appointed by the Board of Aldermen of the Town of Maggie Valley, ~~and two (2) members shall be appointed by the Haywood County Board of Commissioners in order to decide issues in the Extraterritorial Jurisdiction (ETJ).~~ At no time shall more than five members vote in any meeting or hearing; additionally, no Alternate member shall vote on any issue before the Board unless the Alternate is standing in for a regular member. ~~ETJ members may vote only on matters affecting the ETJ.~~
 2. For the initial appointments to the Board of Adjustment, the Town of Maggie Valley shall appoint one member for a 1-year term, two members for a 2-year term, two members for 3-year terms, and two alternate members for three year terms. ~~Haywood County shall appoint two members for a 3-year term to decide ETJ issues.~~ Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Each successive appointment of members to the Board shall be for a term of 3 years. Members may be appointed for any number of successive terms.
 3. The Board of Aldermen shall appoint two (2) alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. The alternate members shall be appointed for 3-year terms. The alternate members, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and exercise all the powers and duties of the regular member so absent. However, no Alternate member shall vote on any issue before the Board unless the Alternate is standing in for a regular member.
 4. ~~Those members of the Board of Adjustment that reside within the extraterritorial area and being those same members appointed by the Haywood County Board of Commissioners shall vote only on matters originating within and/or affecting the extraterritorial area.~~
- C. *Attendance.* Faithful attendance at the meetings of the Board of Adjustment is required in order to maintain membership on the Board, and members who miss 3 consecutive meetings, or 4 regular meetings in a calendar year, automatically forfeit membership. A member terminated for lack of attendance may appear before the Board of Aldermen and request reinstatement.
- D. *Organizational meeting; election of Chairperson, officers; terms.* Within 30 days after the appointment of members to the Board of Adjustment, the Board shall meet and elect a Chairperson and create and fill any offices as it may determine. The term of the Chairperson and other offices shall be for 1 year, with eligibility for re-election for any number of successive terms.
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 - H. On all appeals, applications, and other matters brought before the Zoning Board of Adjustment, the Board shall inform, in writing, the parties involved of its decisions and the reasons therefore.
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PASSED AND ADOPTED BY THE TOWN OF MAGGIE VALLEY BOARD OF ALDERMEN MAY 14, 2024.

Presiding Officer

Mike Eveland, Mayor, Town of
Maggie Valley

Attest

Kathy Johnson, Town Clerk, Town of
Maggie Valley