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# ADMINISTRATIVE AGENCIES

## ***Section 2.1 Planning and Inspections***

The Planning and Inspections Department and the Engineering Department shall perform the planning, zoning, subdivision, and environmental administrative functions for the Town of Waxhaw. The departments shall provide support and guidance for all policies, processes, and procedures as provided herein. The departments shall perform other functions as may be requested by the Town Board of Commissioners, Planning Board, Board of Adjustment, and Town Manager or as authorized by this Code.

### ***Section 2.1.1 Zoning Administrator***

The Town Manager shall appoint a Zoning Administrator. The Zoning Administrator shall have the following powers and duties under this Code:

- A. Administer code provisions such as reviewing development applications, conducting pre-application conferences, issuing permits and certificates of zoning compliance, approving minor subdivisions, and collecting authorized fees.
- B. Interpret terms and provisions.
- C. Maintain the Official Zoning Map and all public records.
- D. Create and maintain all forms, checklists, notices, and other materials necessary to administer this code and provide information to applicants, decision-making and advisory boards, and the public.
- E. Serve as professional staff to decision-making and advisory boards.
- F. Take action authorized by this Code to ensure compliance with or to prevent violations of its provisions.
- G. Delegate assigned duties to qualified staff within the department as needed.
- H. Waive any requirement where the type of use or scale of proposal makes providing the information unnecessary or impractical.

- I. Adjust any requirement where the strict application of this Code may be impractical or where a better performance of a requirement can be attained that is in keeping with adopted plans and public safety and welfare.

### **Section 2.1.2      *Floodplain Administrator***

The Town Manager shall appoint a Floodplain Administrator. The Floodplain Administrator shall have the following powers and duties under this Code:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Code have been satisfied.
- B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received.
- C. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions are met.
- D. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, new and substantially improved structures that have been floodproofed, and all public utilities.
- E. When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect.
- F. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas.
- G. Permanently maintain all records that pertain to the administration of this code and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- H. Make on-site inspections of work in progress or any sites located throughout the Special Flood Hazard Area. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Shall issue stop-work order as required.
- I. Revoke floodplain development permits as required. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

### **Section 2.1.3 Chief Building Inspector**

The Town Manager shall appoint a Chief Building Inspector. The Chief Building Inspector shall have the following powers and duties under this Code:

- A. Coordinate plan review; reviews plans, and specifications for adherence to state building code; supervises the receipt of applications and issuance of building permits.
- B. Assist the Zoning Administrator on administration and interpretation of Code provisions.
- C. Inspect building construction for compliance with codes in five trade areas (Building, Fire, Electrical, Plumbing and Mechanical); monitor foundations and framing processes; inspect commercial and institutional construction work; advise contractors in interpreting and applying code regulations.
- D. Ensure the maintenance of records of inspections, permits, plans, and other related documents; prepare necessary reports on inspection activities.
- E. Notify responsible parties of defects and re-inspect to determine if corrective actions have been taken; issue stop work orders or certificates of occupancy; make final determination regarding interpretation of state and local codes and ordinances.
- F. Work with Planning staff on inspections and zoning compliance on development sites.

### **Section 2.1.4 Public Services Director**

The Town Manager shall appoint a Public Services Director. The Public Services Director shall have the following powers and duties under this code:

- A. Assist the Zoning Administrator on administration and interpretation of Code provisions.
- B. Serve as professional staff to decision-making and advisory boards.
- C. Take action authorized by this code to ensure compliance with or to prevent violations of its provisions.
- D. Work closely with code enforcement to assist with enforcement of this Code.
- E. Work with Planning staff in the review of plans and permits associated with this Code.
- F. Work with Planning staff on inspection and acceptance of infrastructure, maintenance of rights-of-way and easements, and setback requirements for new construction.

### **Section 2.1.5 Town Engineer**

The Town Manager shall appoint a Town Engineer. The Town Engineer shall have the following powers and duties under this Code:

- A. Assist the Zoning Administrator on administration and interpretation of code provisions.

- B. Serve as professional staff to decision-making and advisory boards.
- C. Take action authorized by this code to ensure compliance with or to prevent violations of its provisions.
- D. Perform civil engineering duties as required to facilitate customer response to inquiries on drainage, plan reviews and other engineering responsive abilities.
- E. Maintain close working relationship with regional, state, and federal regulatory agencies.
- F. Work with Planning and Public Services staff on inspection and acceptance of infrastructure and maintenance of rights-of-way and easements.

**Section 2.2 Planning Board**

The Planning Board serves in an advisory function to assist in making decisions pertaining to this Code. The Planning Board shall operate in this capacity based upon their Rules of Procedure as adopted (or amended) by the Board of Commissioners.

The Planning Board shall advise the Board of Commissioners on decisions involving:

- Zoning Text Amendments
- Zoning Map Amendments
- Conditional Zoning Districts
- Special Use Permits
- Major Subdivisions

The Planning Board shall also provide the Board of Commissioners with advice and recommendations on plans and policies developed by the Town pertaining to planning, zoning, subdivision, and environmental issues.

**Section 2.3 Board of Commissioners**

The Board of Commissioners (BOC) shall render final decisions on all policies and processes except where this authority is delegated to an advisory board or administration as described in this Code.

The Board of Commissioners shall consider recommendations from the Planning Board pertaining to their decisions on:

- Zoning Text Amendments
- Zoning Map Amendments
- Conditional Zoning Districts
- Special Use Permits
- Major Subdivisions

The BOC shall take such other action not otherwise delegated as deemed necessary to implement the provisions of this Code pertaining to planning, zoning, and environmental policies.

## **Section 2.4 Board of Adjustment**

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals, where there is alleged error in any final order, requirements, decisions, or determinations made by an administrative official in the enforcement of the Code or any other ordinance that regulates land use or development.
- B. To hear and determine variances which relate to the establishment or extension of structures or uses of land following a determination by the Administrator that a requested action is not in compliance with the Code. The Board may not grant a variance which would allow a change in permitted uses.

Hearings before the Board of Adjustment shall be quasi-judicial based upon competent, material and substantial evidence presented by sworn-in witnesses. The chair of the BOA, any person acting as chair, or the clerk to the BOA may authorize oaths. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its hearing and other official actions, all of which shall be immediately thereafter filed in the office of the Town Clerk and shall be a public record.

Following a determination of the Board of Adjustment on quasi-judicial matters, written decisions shall be provided that reflect the determination of contested facts and the application of the standards in the Code, signed by the Board of Adjustment Chair or duly authorized member of the BOA, filed by the Town Clerk, and delivered by personal delivery, electronic mail, or by first-class mail to the landowner(s), applicant(s), and any other party in interest requesting a written copy of the decision.

### **Section 2.4.1 Appeals from Decisions of the Board of Adjustment**

Any person who may have a substantial interest in any decision of the Board of Adjustment may appeal from any decision of the BOA to the Superior Court by filing with the Court Clerk a petition in writing setting forth plainly, and distinctly wherein such decision is contrary to law. Such appeal must be filed within 30 days from receipt of written notice.

## **Section 2.5 Historic Preservation Commission**

The Historic Preservation Commission (HPC) serves in an advisory function to assist in making decisions pertaining to this Code. The HPC shall operate in this capacity based upon their Rules of Procedure as adopted (or amended) by the Board of Commissioners.

In addition to the advisory role, the HPC shall have powers and duties as described in the following section.

### **Section 2.5.1 Purpose and Powers of the Historic Preservation Commission**

The general purpose of the Historic Preservation Commission is to protect, preserve and sustain Waxhaw's historic buildings, landmarks and unique character. The Historic Preservation Commission (HPC) is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Section and G.S. 160D-942 including, but not limited to, the following:

- A. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
- B. Recommend to the governing board areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."
- C. Acquire by any 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 such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
- D. Restore, preserve, and operate historic properties.
- E. Recommend to the governing board 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.
- F. Conduct an educational program regarding historic properties and districts within its jurisdiction.
- G. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission, when authorized by the governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
- H. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- I. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.
- J. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Part.

- K. 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.

### ***Section 2.6 Technical Review Committee***

The Technical Review Committee (TRC) is established to assist Town Planning and Development Services staff with the review of plans, particularly when the plans require review from organizations outside of the Town. This committee is a review body only, and has no decision-making powers or duties. It shall be the responsibility of Town Planning staff to determine when plans should be forwarded to the TRC for technical review.

Organizations included in the TRC include (but are not limited to):

- NCDOT
- Duke Energy
- Union Power
- Piedmont Natural Gas
- Waxhaw Volunteer Fire Department
- Union County Planning
- Union County Public Works
- Union County Public Health
- Union County Schools

