

## ARTICLE I

### AUTHORITY, PURPOSE AND JURISDICTION

*(amended 1 March 2021)*

#### **Section 101. AUTHORITY**

The provisions of this ordinance are adopted under the authority granted by the General Assembly of the State of North Carolina, particularly Chapter 160D-702 of the General Statutes.

As a condition of adopting and applying zoning regulations, the Town shall adopt and reasonably maintain a comprehensive plan or land use plan, as described in G.S. 160D-501. The Town may prepare and adopt such other plans as deemed appropriate. This may include, but is not limited to, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans.

Plans shall be adopted by the Board of Aldermen with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this ordinance may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this ordinance shall be advisory in nature without independent regulatory effect. Plans adopted under this ordinance do not expand, diminish, or alter the scope of authority for development regulations adopted under this ordinance. Plans adopted under this ordinance shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

#### **Section 102. PURPOSE**

The regulations and provisions set forth in this ordinance have been made after an assessment of existing land uses and inadequacies noted within the present zoning ordinance and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate

provisions of transportation, sewage, schools, parks, and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the planning area. The regulations contained herein have been made with reasonable consideration, among other things, as to the character of the various districts and their suitability for particular uses, and with a view to conserving the value of structures and encouraging the most appropriate uses of the land within the West Jefferson Planning area.

### **Section 103. JURISDICTION**

The regulations and provisions found in this zoning ordinance shall apply to all the properties within the corporate limits and extraterritorial jurisdiction of the Town of West Jefferson as now or hereafter fixed, and all extraterritorial zoning districts adopted by the Town.

### **Section 104. CONFLICTS OF INTEREST**

(a) Board of Aldermen. - An alderman shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the alderman. An alderman shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the alderman has a close familial, business, or other associational relationship.

(b) Appointed Boards. - Members of appointed boards (i.e., Planning Board and Board of Adjustment) shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. - No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development

subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

(d) Quasi-Judicial Decisions. - A member of any board exercising quasi-judicial functions pursuant to this ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.