

DIVISION 2. PLANNING BOARD

Sec. 44-76. Creation, appointment.

A planning board for the town is hereby created and established, consisting of five voting members and one nonvoting member appointed by the county school board and as many alternate members as the town council shall deem it necessary to appoint, which alternate members shall have the same qualifications as members. The qualification of the nonvoting member shall be left to the discretion of the county school board. The length of term for the nonvoting member shall be left to the discretion of county school board. A nonvoting member shall not be counted to establish a quorum. The nonvoting member shall receive notice of all meetings of the planning board but such nonvoting member shall receive a special notice, identified as such, when the scheduled meetings of the planning board consider comprehensive plan amendments and rezoning that would, if approved, increase residential density on the property that is the subject of the application. The nonvoting member may elect to receive only special notices or all other notices with no attachments or enclosures. The town council may, from time to time, by ordinance, increase the number of members of such board. Said voting members and alternate members shall be appointed by the town council (amended April 2, 2002, by Ordinance No. 2002-2) and approved by resolution of the town council, and each voting member and alternate member shall be a resident of the town and may not serve on any other official advisory board of the town at the same time. The voting members shall elect a chairperson, vice-chairperson and secretary from its membership of voting members. The planning director, the town attorney, and such other officers and officials of the town as may be required, shall be considered as advisors to the planning board and may be called upon from time to time to meet with said board.

(LDC 1982, ch. 15, § 15-1.1; Ord. No. 2002-2, § 1(1-4), 4-2-2002; Ord. No. 2003-14, § 2, 11-18-2003)

Sec. 44-77. Meetings, quorum.

- (a) All meetings of the planning board shall be public and open to all residents and interested parties. The board shall meet at least once during each calendar month and at such additional times as it shall be deemed necessary and convenient. Whenever possible, the regular monthly meeting shall be held on the second Thursday of each month during the evening hours.
- (b) Four members of the planning board shall constitute a quorum. An affirmative vote of a majority of members attending a meeting shall be required to cause a favorable vote on any matter properly before the board for action.

(LDC 1982, ch. 15, § 15-1.2)

Sec. 44-78. Rules, regulations and procedures.

The town council may, by resolution, fix and determine procedures for appearing before the planning board, and may promulgate rules and procedures for presentation of matters before such board, for notifying interested parties, for charging and collecting application fees, for conducting and holding hearings, and for calling in advisors or assistance from time to time. All rules and regulations of this nature previously adopted by the town council shall continue in full force and effect until properly amended. The planning board may additionally adopt rules of procedure provided that such rules of procedure are not inconsistent with any rules previously adopted by the

town council. The board shall keep minutes of its proceedings, showing the vote of each member upon each question submitted to it. If a member is absent, such fact shall appear upon the minutes. Copies of the board's minutes shall be filed with the town clerk and shall become a public record.

(LDC 1982, ch. 15, § 15-1.3)

Sec. 44-79. Alternate members.

In the case of the temporary absence or disqualification of any member of the planning board, the chairperson shall call upon an alternate member of his choosing to serve as an alternate on the planning board during the continuance of such absence or disqualification of such member. In no event shall an alternate serve in such capacity for more than six consecutive months, nor shall a meeting of the planning board be conducted where a majority of the sitting members are alternates. Alternate members shall have the same power as regular members while sitting on the planning board.

(LDC 1982, ch. 15, § 15-1.4)

Sec. 44-80. Length of term.

- (a) Regular members of the planning board shall be appointed to serve a term of three years, except where such a term would not end on September 20 of any particular year, that term shall be extended for an additional time in excess of three years to ensure that it shall conclude on September 30 of the year. Vacancies shall be filled to complete a term of office shall show the same expiration date. Alternate members shall be appointed in the same manner as regular members and shall have the same term of membership.
- (b) Initial appointments to the board shall be made according to the following schedule:
 - (1) One member for three years;
 - (2) Two members for two years;
 - (3) Two members for one year.

All subsequent appointments shall be for the full three-year term.

(LDC 1982, ch. 15, § 15-1.5)

Sec. 44-81. Duties.

The duties of the planning board shall be as follows:

- (1) To act in an advisory capacity to the town council on questions relating to zoning, and to conduct and hold public hearings on all matters or proposals to change zoning regulations, and report its findings and recommendations on such matters and proposals to the town council.
- (2) To study an existing comprehensive land use element, with the view to improving same so as to provide for the development, general improvement, and probable future growth of the town and, from time to time, make recommendations to the town council for changes in the existing comprehensive land use element so as to incorporate new developments, or for the adoption of a new comprehensive land use element.
- (3) To study all other required and optional elements of the town's comprehensive plan and act in an advisory capacity to the town council with respect to the comprehensive plan, including, from time to

time, making recommendations for changes in the plan or for the adoption of a new comprehensive plan or portion thereof.

- (4) To investigate and recommend approval or disapproval of all new plats to be presented to the town council for approval.
- (5) To investigate and make recommendations upon all site and development plans to be presented to the town council for approval.
- (6) To investigate and make recommendations to the town council with respect to all requests for approval of special exception uses as provided in this chapter.
- (7) To perform such other duties as may from time to time be assigned to the planning board by the town council. Those duties and responsibilities shall be performed in the same manner and with the same procedures except where changed herein or in future acts of the town council.

(LDC 1982, ch. 15, § 15-1.6; Ord. No. 96-11, § 1(1-4.7F.), 10-1-1996)

Sec. 44-82. Town council action.

In making zoning ordinance amendments or granting site plan, subdivision, or other development approvals, which are contrary to the recommendations of the planning board, three affirmative votes of the town council shall be required to overturn the recommendation of the planning board.

(LDC 1982, ch. 15, § 15-1.7; Ord. No. 2002-2, § 1(1-5), 4-2-2002)

Secs. 44-83—44-107. Reserved.