

RULES OF PROCEDURE

LANDIS PLANNING BOARD/BOARD OF ADJUSTMENT

PART I

GENERAL RULES

1. Should any conflict between documents be found, the order of precedence shall be (1) the General Statutes, (2) the Landis Development Ordinance, and (3) these Rules.
2. All members of the Board shall thoroughly familiarize themselves with these documents. The Board, being a public body, shall at all times conduct meetings in conformity with the applicable Open Meetings Law Statutes.

PART II

OBJECTIVE AND PURPOSE

1. The primary objective of the Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Landis.
2. The purposes of the Board are:
 - (a) To make studies of the Town and its surrounding area;
 - (b) To determine objectives to be sought in the development of the areas under study;
 - (c) To prepare and recommend plans for adoption by the Board of Aldermen 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 keep the Board of Aldermen and the general public informed and advised as to these matters; and
 - (f) To perform any other related duties that the Board of Aldermen may direct.

PART III

MEMBERSHIP

1. Members of the Board shall be appointed by the Board of Aldermen for designated terms in accordance with Article 4 of the Landis Development Ordinance (LDO).
2. If a vacancy occurs on the Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by Board of Aldermen appointment for the duration of the unexpired term.

PART IV
ELECTION OF OFFICERS

1. Annually, at the regular meeting of the Board held in the month of June, a Chairman and Vice-Chairman shall be elected by majority vote of the regular and alternate Board membership. These officers shall be elected for a term of one (1) year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time and place of the election of officers, at least seven (7) days prior to the regular June meeting. Each officer shall serve until relieved of their duties as herein provided.
2. The Chairman or Vice-Chairman shall preside at all meetings and hearings of the Board, appoint all standing and temporary committees and have the duties normally conferred on such office. The Chairman or Vice-Chairman shall have the privilege of discussing all matters before the Board. The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. The Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times they shall have the same powers and duties as the Chairman.
3. In the event of the absence of both the Chair and Vice Chairman from a meeting of the Board, the remaining members present may elect a temporary Chairman for that meeting and proceed with the order of business.
4. The board may appoint from its membership or recommend that the Board of Aldermen appoint or hire a person(s) to serve as a secretary for the Board. Said person(s) (hereinafter referred to as the "Secretary") shall keep minutes and records of the Board, prepare with the Chairman the agenda for regular and special meetings, attend to correspondence of the Board and perform such other duties normally carried out by a Secretary. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. These minutes shall accurately reflect the record of all important facts pertaining to each meeting and hearing, the names of all members in attendance, alternates seated, if any, every resolution acted upon by the Board, and all votes of the seated members of the Board upon any resolution or upon the final determination of any question, including the names of any regular members present, but excused from voting per Sub-sections 4.3-5 and/or 4.3-6, and the names of any sitting members abstaining to vote. The minutes and records of the Board shall be kept at the Town Clerk's office.
5. The Planning, Zoning and Subdivision Administrator shall generally serve as staff to the Board and shall provide (or cause to be provided) such technical assistance as requested. In particular, the Planning, Zoning and Subdivision Administrator shall conduct all correspondence for the Board, arrange for all public notices required to be given, notify members of pending meetings and provide agendas for same in advance, notify interested parties of Board decisions on cases, and generally supervise the clerical work of the Board

PART V MEETINGS

1. Regular meetings of the Board shall be held on the third Tuesday of Each month at 6:00 p.m. in the Landis Town Hall. Each member shall be notified of each regular meeting and provided an agenda for each meeting by the Secretary to the Board and public notices shall be posted as prescribed by law. The Secretary Shall also notify each Board member of all joint Board of Aldermen/Planning Board meetings. Said meetings shall be considered Board of Aldermen meetings for purposes of determining the rules of conduct and procedure.
2. Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours written or oral notice of time of such meeting shall be given each member by the Secretary. Public notices to the effect shall also be posted.
3. Three (3) members of the Board shall constitute a quorum. A quorum shall be present before any business is transacted.
4. The Chairman shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.
5. All regular and special meetings of the Board shall be open to the public.
6. Whenever there are no appeals, interpretations, applications for variances, or other business for the Board, or whenever so many regular and alternate members notify the Clerk to the Board or Chairman of their inability to attend that a quorum cannot be established, the Chairman may dispense with a meeting. In such instance, the Clerk to the Board shall give written or oral notice to all Board members as much in advance of the scheduled meeting date as possible, and post suitable public notice.

PART VI. APPEAL, APPLICATION, EVIDENTIARY HEARINGS

1. Types of Appeals - The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Planning, Zoning & Subdivision Administrator, hear and decide any appeals that require an interpretation of the Zoning Ordinance, and hear and grant variances to certain provisions of the Zoning Ordinance.
2. Procedure for Filing Applications - No appeal shall be heard by the Board unless a completed application for an appeal is filed within thirty-six (36) calendar days of the date a decision was made by the Planning, Zoning & Subdivision Administrator, or in accordance with rules of Constructive Notice as established by the State of North Carolina. Applications for variances shall be submitted no less than fourteen (14) calendar days

prior to the regular or special meeting at which the case is to be heard. All such applications shall be filed with the Planning, Zoning & Subdivision Administrator. The Planning, Zoning & Subdivision Administrator may file an application for an interpretation of the Zoning Ordinance at any time. All applications shall be made upon the form furnished by the Town for that purpose, and all information required thereon shall be complete before an appeal shall be considered as having been filed.

The Planning, Zoning & Subdivision Administrator shall determine if an application is complete. If any application is found to be incomplete, the Planning, Zoning & Subdivision Administrator shall notify the applicant and assist in completion of the application before placing same before the Board.

3. Fees - A fee, in accordance with a fee schedule adopted by the Board of Aldermen of Landis shall accompany an application for any appeal or variance. This fee shall be waived for any application initiated by the Planning, Zoning & Subdivision Administrator, the Board or the Board of Aldermen. No application shall be considered complete unless accompanied by the fee as herein prescribed.
4. Hearing Mandate - A hearing conducted by the Board shall be required to decide all appeals, interpretations, and to grant any variances to the provisions of the Zoning Ordinance.
5. Evidentiary Hearing Date and Notice - Notice of such a hearing shall be posted at or near the subject property at least ten (10) calendar days before the hearing date. Written notice shall be provided to the applicant, any owners of record whose property is immediately adjacent to any property identified in the application, and any other person who makes a written request for such notice at least ten (10) days before the hearing.
6. Conduct of Hearing - All Board hearings shall be conducted in a quasi-judicial manner. The Chairman may limit discussion among parties present or ask unruly members of the public to leave the meeting.

Any party may appear in person or be represented by agent or by attorney at any hearing. All persons desiring to present evidence before the Board shall first be placed under oath by the Chairman. Presentation of evidence carries with it the obligation to submit to cross-examination by any opposing party.

The order of business for each case presented at a Board hearing shall be as follows:

- a. All persons desiring to give testimony, and having signed up beforehand with the Clerk to the Board to present evidence or arguments, shall be sworn in. In the event any individual(s) declines to be sworn, they may still be heard, but shall be advised by the Chairman that the Board will consider their statements merely as information, not as evidence.

- b. The Chairman shall request that any sitting Board member, or any other person present, advise of the existence of any potential conflict of interest regarding the case about to be heard. Any such indication in the affirmative shall be disposed of in accordance with Rule III.C before proceeding further.
- c. The Planning, Zoning & Subdivision Administrator such other person as the Chairman may direct, shall give a preliminary statement of the case.
- d. The applicant shall present evidence and arguments in support of their application.
- e. Other persons in favor of granting the application shall present arguments for the application.
- f. Persons opposed to granting the application shall present arguments against the application.
- g. Both sides will be permitted to present rebuttals to opposing testimony, and cross-examine the opposing party(s), the Chairman shall ensure that cross-examinations are conducted with brevity and decorum and limited to matters directly relevant to the case at hand.
- h. The Chairman or their designee, shall summarize the evidence, which has been presented, giving all interested parties the opportunity to make objections or offer corrections.
- i. The Chairman shall close this case for public discussion, and shall proceed to the next case, if any, and thereafter to the next item of business on the meeting agenda. The Board shall subsequently and publicly discuss the case, calling upon the Planning, Zoning & Subdivision Administrator for input, clarification, etc. as deemed desirable, but without further input from the public. Board members, however, may seek further input, clarification, etc. from persons previously sworn and eligible to give evidence who are seated in the audience on any piece of evidence heretofore presented. Cross-examination of any rebuttals by opposing parties at that time shall only be permitted on any such new evidence presented.

The Board shall render a decision on the matter in the manner prescribed in Rule IV.E, or, as it so chooses, the Board may continue the hearing to a publicly stated date, time, and location. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

- 7. Decision - Time - Decisions by the Board shall be made within thirty (30) calendar days after the date of the hearing, or any continuation thereof, was concluded, or at the next

regularly scheduled meeting of the Board following the hearing conclusion, whichever occurs later.

Form - Written notice of the decision in each case shall be sent by first class mail or hand-delivered to the applicant and to every aggrieved party who has filed a written request for such notice with the Planning, Zoning & Subdivision Administrator. The final decision shown in the record of the case shall be entered in the minutes of the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination which was the cause for an appeal or interpretation.

Voting At Hearings - Voting on any issue placed before the Board shall be conducted in accordance with **Rule IV.E.**

8. Board Decision Appeals - Any person or persons, jointly or severally, aggrieved party who has filed a written request for such copy at the time of its hearing of the case, whichever is later, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of alleged illegality, whereupon such decision of said Board shall be subject to review by the Superior Court of Rowan County by proceedings in the nature of certiorari as provided by Article 14 of G.S. 160D.

PART VII RULES OF CONDUCT FOR MEMBERS

1. In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for three (3) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences and if such member fails to attend the next regular meeting, the Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the Board of Aldermen.
2. Members of the Board may be removed for cause, including violation of any of the rules provided herein

PART VIII ORDER OF BUSINESS

1. The order of business for Planning Board/Legislative matters shall be as follows:
 - a. Call to Order
 - b. Determination of Quorum
 - c. Pledge of Allegiance
 - d. Changes to and Approval of Agenda

- e. Approval of Previous Meeting Minutes
 - f. Old Business
 - g. New Business
 - h. Adjournment/Continuation
2. The order of business for the Board of Adjustment/Quasi-Judicial matters shall be as follows:
- a. Call to Order
 - b. Determination of Quorum; Recording of Seated (Voting) Members
 - c. Approval of Minutes of Previous Meetings
 - d. Hearing of Cases
 - e. Other Business
 - f. Consideration and Determination of Cases
 - g. Adjournment/Continuation
3. Voting

The concurring vote of at least three-fifths (3/5) of the sitting members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Planning, Zoning and Subdivision Administrator, or to decide in favor of the applicant on any other matter upon which the Board is required to pass; however, a concurring vote of at least four-fifths (4/5) of the sitting members of the Board shall be necessary to grant a variance from the provisions of the Zoning Ordinance.

The Chairman shall be able to vote on any matter, including making and seconding a motion. An unauthorized abstention from voting by a sitting member shall be considered as a "yes" vote. No sitting Board member shall vote on any matter deciding an application or appeal unless they shall have attended the evidentiary hearing(s) on that application.

Unless otherwise specified in these Rules, all regular and alternate members may vote on procedural matters, which do not necessitate an evidentiary hearing.

4. Items of business at the regular meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority of the Board in session at the time.
5. Meetings may be continued from one date to another at a publicly stated date, time, and location. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

PART IX

CONFLICT OF INTEREST

1. No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private

benefit to themselves, their immediate relatives or their business interest in accordance with Article 4 of the LDO. In applying this rule, the following procedure shall govern. A Board member who believes there may exist a conflict of interest shall declare their possible conflict, the nature of the conflict, and ask for determination by the Board. A majority vote of the remaining Board members present shall determine whether or not a conflict of interest exists. If determined that a conflict of interest does exist said member shall be excused from voting on that matter, but may voice their opinion, as a local citizen, on the matter.

For Board of Adjustment matters, a sitting member may be excused from voting on a particular issue under the following circumstances:

- a. if the member has a direct financial interest in the outcome of the issue; or
 - b. if the matter at issue involves the member's own official conduct; or
 - c. if a member has such familial, business, or other associational relationship with an affected person that the member cannot reasonably be expected to exercise sound judgement in the public interest; or
 - d. if a member has affixed opinion prior to hearing the matter that is not susceptible to change; or
 - e. if a member has undisclosed ex parte communications.
2. If a sitting Board member declares that they may have a conflict of interest on a particular issue, they shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining sitting members, by majority vote as required by G.S. 160D-109(e), shall determine whether such conflict exists and whether said member may excuse themselves from further deliberations on said matter. If a member is excused from voting, they shall not participate in any further discussion on said matter or (at their discretion) they shall remove themselves from the meeting room during all deliberations pertaining to such matter. In no instance may a sitting member be excused from voting merely due to unwillingness to vote on the issue at hand and where no conflict of interest is found to exist by their fellow Board members.
3. A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection as required by G.S. 160D-109(e). The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of any conflict of interest.
4. In the event a sitting Board member is found to have a conflict of interest and is excused from voting on particular issue by the Board; they shall be replaced by an alternate

member for that business associated with the conflict of interest, as provided for in **Rule II.A.**

5. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
6. Any person who abstains from voting without having first been excused by the Board as herein prescribed shall be deemed to have voted on the matter in an affirmative manner.
7. For Board of Adjustment matters, Board members shall refrain from discussing forthcoming or anticipated matters of business with any parties, including other Board members, prior to the meeting at which such items are to be publicly discussed.

Members may receive and/or seek general technical information pertaining to a case from the Clerk to the Board or Zoning Administrator prior to the Board meeting at which the case is to be heard. Such requested information shall be provided to all members in writing, and shall also be entered into the case record by the Clerk to the Board.

Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto, or one another, before or during the hearing for that case.

PART X RECORDS

1. The Secretary shall keep a record of the Board's recommendations, Transitions, findings and determinations. Said records shall be public and filed in the office of the Town Clerk in Landis Town Hall.

PART XI ACTION BY BOARD

1. All actions of the Board shall have been put before the Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum except as provided in **Section VIII-4.**
2. Voting shall be done by voice or hand. Only members present at the time a vote is taken shall be eligible to vote. If an issue before the Board is carried over from one meeting to

another, a member may be able to vote on the issue if they did not attend the previous meeting at which item was discussed.

3. All members of the Board have the right to vote on all matters except as specified in **Section VIII-1**.
4. The Board shall refer to Rules of Procedure for Small Local Government Boards; Second edition; A. Fleming Bell. The Board shall refer to the current edition of Robert's Rules of Order Newly Revised, to answer procedural questions not resolved by the Rules of Procedure for Small Local Government Boards, so long as Robert's Rules of Order does not conflict with North Carolina law or with the spirit of these rules.

PART XII ADOPTION AND AMENDMENT

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the voting members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted on this the day of , 2026.

Catherine Drumm Chairperson

Ratified by Board of Aldermen:

ADOPTED on this the day of , 2026

Meredith Bare Smith, Mayor

Madison Stegall, Town Clerk