

CHAPTER TWO – ZONING ORDINANCE

ARTICLE 3. ADMINISTRATIVE MECHANISMS

PART I. PLANNING BOARD

Section 3-1: Purpose

The purpose of the Planning Board is to accomplish the following:

- (A) Make studies of the area within the Town’s planning & zoning jurisdiction.
- (B) Determine objectives to be sought in the development of the Town.
- (C) Prepare and adopt plans for achieving these objectives.
- (D) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (E) Advise the Board of Aldermen concerning the use and amendment of means for carrying out plans.
- (F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Aldermen may direct.
- (G) Perform any other related duties that the Board of Aldermen may direct.
- (H) In addition to the above-referenced duties, the Planning Board shall also serve as and perform the duties of the Board of Adjustment. In serving as the Board of Adjustment, the Planning Board shall hear and decide requests for variances and appeals of decisions of administrative officials charged with enforcement of this ordinance. When sitting as the Board of Adjustment, the Planning Board shall follow quasi-judicial procedures when deciding appeals and requests for variances.
- (I) When acting as a Board of Adjustment, the Planning Board shall follow the procedures set forth in NCGS 160D-406 and NCGS 160D-705 and Section 3-15 of this ordinance. (Ord. 21-16, 8/03/21)

Section 3-2: Membership and Vacancies; Terms of Office and Posts

Membership and Vacancies. The Planning Board shall consist of ~~nine (9)~~ seven (7) regular members. ~~Seven (7)~~ Six (6) regular members shall be citizens and residents of the Town and shall be appointed by the Board of Aldermen. ~~Two (2)~~ One (1) regular members shall be a citizens and residents of the extraterritorial jurisdiction of the Town as described in NCGS 160D-202 and shall be appointed by the County Board of Commissioners for proportional representation based on population. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. (Ord. 12-08, 5/1/12; Ord. 16-06, 3/1/16; Ord. 21-16, 8/03/21)

Terms of Office and Posts. The following post numbers, residency requirements, and appointment effective dates shall be assigned to each of the ~~nine (9)~~ seven (7) Planning Board member positions:

- ~~Post 1: Regular member/Town resident/1st Tuesday of January, odd years;~~
- ~~Post 2: Regular member/Town resident/1st Tuesday of January, even years;~~
- ~~Post 3: Regular member/Town resident /1st Tuesday of January, odd years;~~
- ~~Post 4: Regular member/Town resident/1st Tuesday of January, even years;~~
- ~~Post 5: Regular member/Town resident/1st Tuesday of January, odd years;~~
- ~~Post 6: Regular member/Town resident/1st of January, even years; and,~~
- ~~Post 6 7: Regular member/ETJ resident/1st Tuesday of January, even years;~~
- ~~Post 7: Regular member/ETJ resident/1st Tuesday of January, odd years.~~
- ~~Post 8: Regular member/Town resident/1st of January, even years;~~
- ~~Post 9: Regular member/Town resident/1st of January, even years.~~

<u>Appointed Member Type</u>	<u>Appointment Effective Date:</u>
<u>Post 1: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 2: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 3: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 4: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 5: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 6: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 7: Regular member/ETJ resident</u>	<u>1st Tuesday of January, even years</u>

(Ord. 16-06, 3/1/16; Ord. 20-03, 2/4/20)

Appointments. ~~The members of the Planning Board serving on the effective date of this ordinance, under the ordinance effective prior hereto, shall be considered as the seven (7) members appointed by the Board of Aldermen, and each of these members shall serve the balance of the term to which he or she was appointed. The two (2) regular extraterritorial-jurisdiction members of the Planning Board shall serve the balance of the term to which he or she was appointed. Successors Planning Board members shall be appointed for terms of (3) years in accordance with their post. Members in length and shall be eligible for reappointment in accordance with the table above.~~ (Ord. 20-05, 7/7/20)

Compensation. Planning Board members shall receive a monthly stipend to offset expenses as may be determined by the Board of Aldermen. The initial monthly expense stipend shall be \$45 per month per member and this amount may be increased by the Board of Aldermen by approved resolution or motion; however, the salary shall not be reduced except by adoption of an ordinance. Monthly expense reports shall not be required to be filed by the Planning Board members to collect this monthly expense stipend. (Ord. 05-10, 11/05; Ord. 11-06, 3/1/11; Ord. 12-08, 5/1/12)

(Ord. 05-10, 11/05; Ord. 11-06, 3/1/11; Ord. 12-07, 4/3/12)

Section 3-3: Rules of Conduct

Members of the Board serve at the pleasure of the Board of Aldermen and may be removed for cause, including, but not limited to, violation of the Rules of Conduct stated below, or for other cause:

- (A) Faithful attendance at all meetings of the Board and conscientious performance of the

duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. Absence from twenty-five percent (25%) or more of the Planning Board's meetings within one year shall be considered cause for removal by the Board of Aldermen.

- (B) A Planning 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. (Ord. 21-16, 8/03/21)

Section 3-4: Meetings

- (H) Organization. The Board shall elect a chairperson and vice-chairperson from among its members at its first Regular Board meeting in January each year, or as soon thereafter as is reasonably possible. The term of the chairperson and vice-chairperson shall expire on the first Monday of each January, unless such presiding officer(s) shall resign, be removed, or otherwise become unable or ineligible to serve on the Board or as presiding officer. In such event, a new chairperson or vice-chairperson shall be elected by the Board from among its members at the next Regular Board meeting. The chairperson and vice-chairperson shall be eligible for reelection but in no instance may serve for more than three (3) consecutive terms in either position. The chairperson shall act as the presiding officer at all Board meetings and, in his or her absence, the vice-chairperson shall act as the presiding officer for the meeting in question. Should neither the chairperson nor the vice-chairperson be present at a board meeting, then the planning board members present at the meeting shall vote on a presiding officer to serve at that meeting or until the chairperson or vice-chairperson arrive to the meeting. The Board shall operate its meetings generally under Robert's Rules of Order, latest edition; however, failure to precisely follow the format of Robert's Rules of Order shall not invalidate any action taken at a Board meeting. Such rules may be modified upon approval of the Board of Aldermen. All meetings of the Board shall be open to the public and all records of the Board shall be a public record as set forth in the General Statutes of North Carolina including exceptions.