



SWANSBORO

FRIENDLY CITY BY THE SEA

North Carolina

**Planning Board Meeting
August 5, 2025**

**TRAINING SESSION
PLANNING BOARD INTRO**

Topics

- 1) Statutory Authority
- 2) Statutory Responsibility
- 3) Municipal Responsibility
- 4) Board Membership
- 5) Town Plans and Studies
- 6) The Planning Concept & Issues
- 7) Planning Issues
- 8) Action Plan

Statutory Authority

Article 3 Boards and Organizational Arrangements

- **§ 160D-301. Planning boards.**
- (a) Composition. – A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:
 - (1) A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.
 - (2) A joint planning board created by two or more local governments pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes.

Statutory Authority

Article 3 Boards and Organizational Arrangements

- **§ 160D-301. Planning boards (continued)**
- (b) Duties. – A planning board may be assigned the following powers and duties:
 - (1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
 - (2) To facilitate and coordinate citizen engagement and participation in the planning process.
 - (3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - (4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
 - (5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
 - (6) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
 - (7) To perform any other related duties that the governing board may direct. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Statutory Responsibility

§ 160D-604. Planning board review and comment.

- ***Advise*** on Comprehensive and Land Use Planning
- (G.S. 160D-301 & -601)
- • ***Advise*** on Initial Zoning
- (G.S. 160D-604(a))
- • ***Advise*** on Zoning Amendments (Plan Consistency)
- (G.S. 160D-604(b))
- • May ***advise*** on other development regulations
- (G.S. 160D-604(c))

Statutory Responsibility

- **§ 160D-604. Planning board review and comment.**
- *The Planning Board shall advise and comment on whether a proposed text amendment is consistent with any comprehensive plan.*
- The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Municipal Responsibility

Sec. 152.033 THE PLANNING BOARD

(A)(6) Powers and duties of the Planning Board shall consist of:

The Planning Board shall have the following powers and duties:

- (a) To prepare, review, maintain, monitor, and periodically update and recommend to the Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- (b) To facilitate and coordinate citizen engagement and participation in the planning process;
- (c) Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

Municipal Responsibility

Sec. 152.033(A)(6)(cont.)

- (d) Advise the Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. § 160D-604;
- (e) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- (f) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board; and
- (g) Perform any other related duties that the Board of Commissioners may direct.

Types of Decisions

Most all decisions made by a local government person or entity can be grouped into one of three different categories:

1) Legislative

1) Decisions that establish laws, ordinances, rules, policies. Examples would include text amendments, map amendments, Land Use Plans, etc

2) Administrative

3) Quasi-Judicial

Rules of Conduct (per UDO)

Sec. 152.033 (B)(1-5)

- (B) *Rules of conduct.* Members of the Board may be removed for cause, including violation of any rule stated below.
- (1) 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.
- (2) (a) No Board member shall vote on any advisory or legislative decision regarding a development regulation 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.
- (b) 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 to rule on the objection.
- (3) No Board member shall discuss any case with any parties thereto prior to the meeting on that case; provided however, that members may receive and/or seek information pertaining to the case from any other member of the Board, or staff prior to the meeting. Board members shall disclose publicly any contact made by any party to a matter before the Board.
- (4) Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto prior to the Board's determination of that case. Violation of this rule shall be cause for dismissal from the Board.
- (5) Members shall serve at the pleasure of the Board of Commissioners.

Membership (Per UDO)

Sec. 152.033

- In Town
 - Five Members
- ETJ
 - Two
 - ETJ Members can vote on any matter regardless of location
 - Can serve as an officer of the Planning Board

Plans & Studies

- CAMA Land Use Plan
- Parks and Recreation Comprehensive Plan
- 2020 Gateway Vision Plan
- Bicycle Plan
- Stormwater Management Plan
- Shoreline Access Plan
- Waterfront Conservation and Development Plan
- Joint Land Use Study
- Comprehensive Transportation Plan
- Thoroughfare Plan
- Downtown Parking Study
- Waterfront Access and Development Plan

§ 160D-501. Plans.

- (a) Requirements for Zoning. – As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan.
- (a1) Plans. – A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. A land-use plan uses text and maps to designate the future use or reuse of land. A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.

Planning Issues

What happens when a proposed amendment before the Board of Commissioners to the Zoning Map or UDO does not comply with the Town's Plans?

- 1) Reject the proposed amendment
- 2) Approve the proposed amendment, but:
 - a) Adopt declaration the approval is also deemed an amendment to the comprehensive plan.
 - b) Explain the change in conditions warranting the change to the comp plan
 - c) Explain why the action was reasonable and in the public interest.

Planning Issues

What happens when the proposed amendment complies with some aspects of the comprehensive plan, but not others?

The Town can weigh the relative importance of each and determine whether to approve or reject the amendment based upon the circumstances.

Development Considerations

- Zoning
- Soil & Erosion Control
- Stormwater
- CAMA
- Floodplain
- Septic Permits
- NCDOT

Action Plan

- I. Have a clear vision for development of the Town.**
 - I. Is the Land Use Plan in line with that vision or does it need updating?**
 - II. Is your vision in alignment with the Board of Commissioners? If not, is a joint session necessary?**
 - III. Is additional community input (meetings/surveys) needed?**
- II. Update the Comprehensive Plan for the Town.**
 - I. When possible, make sure your planning documents are updated before making changes to your ordinances. When not possible, remember to use the appropriate consistency statement.**
- III. Amend the Ordinances accordingly.**