

CHAPTER 2 PLANNING BOARD AND BOARD OF ADJUSTMENT

ARTICLE I. PLANNING BOARD

Section 2-1. Creation

Pursuant to G.S. §§ 160A-361 and 160A-388, there is hereby created a Planning Board of the Town of Holly Ridge, North Carolina, to perform the functions and the duties herein prescribed.

Section 2-2. Membership and vacancies: attendance

The planning board shall consist of seven regular members and two alternate members. Five of the regular members shall be citizens and residents of the Town of Holly Ridge, and shall be appointed by the Town Council of the Town of Holly Ridge. Two of the regular members shall be citizens and residents of Onslow County who reside outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge as specified by an Extraterritorial Boundary Ordinance adopted pursuant to NCGS 160A-360 (B) and shall be appointed by the Board of Commissioners of Onslow County. One alternate member shall be a citizen and resident of the Town of Holly Ridge, and shall be appointed by the Town Council of the Town of Holly Ridge. One alternate member shall be a citizen and resident of Onslow County who resides outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge as specified by an Extraterritorial Boundary Ordinance adopted pursuant to NCGS 160A-360 (B) and shall be appointed by the Board of Commissioners of Onslow County.

The regular members of the planning board shall serve for terms of three years, such terms to be staggered as follows:

- The members numbered one (town resident), two (county resident) shall have initial terms of one year;
- The members numbered three (town resident), four (county resident), five (town resident), and six (town resident), shall have initial terms of two years;
- The member number seven (town resident) shall have an initial term of three years.

Thereafter, each member's term shall be for three years as provided above.

The alternate members of the planning board shall serve for terms of three years, such terms to be staggered as follows:

- The alternate member who is a town resident shall have initial term of two years;
- The alternate member who is a citizen and resident of Onslow County who resides outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge shall have initial term of one year;

Thereafter, each member's term shall be for three years as provided above.

Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Planning Board is to be considered a prerequisite to continued membership. The Town Council may remove and replace any member continually delinquent in his duty to attend. The absence of any member from three (3) consecutive regular meetings without leave, except when such absence is made necessary by sickness or other similar causes will result in that member's seat being declared vacant. The vacancy thus created shall be filled by the Town Council.

The Planning Board members shall attend ethics training as provided by the Town of Holly Ridge within six months after the initial appointment of the member. Failure to attend the ethics training shall constitute cause for removal from the Board.

Section 2-3. Organization, rules, meetings and records

The planning board shall recommend a member to serve as a chairman to the Town Council. The Town Council shall appoint a chairman in its discretion. The board may create and fill such other offices as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for re-election. The board shall adopt rules for transaction of its business and shall keep a record of its member's attendance and of its business, discussions, findings and recommendations, which shall be a public record. The board shall hold at least one (1) meeting monthly to be held on the 3rd Tuesday of the month at 6:30 p.m., and all of its meetings shall be open to the public. There shall be a quorum of members for the purpose of taking any official action.

Section 2-4 Appointment of ETJ members

The two members appointed by the Board of County Commissioners as representatives of the extraterritorial zoning area outside the Town of Holly Ridge shall have equal rights and privileges pertaining to the regulation of both the corporate limits and the ETJ.

Section 2-5. General powers and duties

It shall be the duty of the Planning Board, in general:

- (a) To make studies of the area within its jurisdiction and surrounding area;
- (b) To determine objectives to be sought in the development of the study area;
- (c) To prepare and adopt plans for achieving these objectives;
- (d) To develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the Town Council may direct;
- (e) To advise the Town Council concerning the means for carrying out plans;

(f) To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.

Section 2-6. Basic studies

As background for its comprehensive plans and any ordinances it may prepare, the planning board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include but are not limited to studies of housing; commercial and industrial facilities, parks, playgrounds, recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

All officials of the Town shall upon request, furnish to the Planning Board such available records or information as it may require in its work. The board or its agents may, in the performance of its official duties, enter upon lands, and make the examinations or surveys and maintain necessary monuments thereon.

Section 2-7. Comprehensive plans

The comprehensive plans, with the accompanying maps, plats, charts, and descriptive matter, shall show the planning board's recommendations to the Town Council for the development of the area, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, sidewalks, properties, utilities or terminals.

The comprehensive plans and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote health, safety, morale, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provisions, for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, the wise efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.

Section 2-8. Zoning amendments

The Planning Board may initiate from time to time proposals for amendment of the zoning ordinance and map based upon its studies and plans.

Section 2-9. Subdivision requirements

The Planning Board shall review from time to time, the existing regulations for the control of land subdivision in the area and submit to the Town Council its recommendations, if any, for the revision of said regulations.

Section 2-10. Miscellaneous powers and duties

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the plans. Before recommending any such plans to the Town Council, the Planning Board shall hold at least one (1) public hearing thereon.

The Planning Board shall have power to promote public interest and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

ARTICLE II. BOARD OF ADJUSTMENT

Section 2-11. Creation

Pursuant to, and following the procedures set forth in G.S. § 160A-388, there is hereby created a Board of Adjustment of the Town of Holly Ridge, North Carolina, to perform the functions and the duties herein prescribed.

Section 2-12. Membership, Vacancies, and Attendance

Membership:

The board of adjustment shall consist of five regular members and two alternate members. Three of the regular members shall be citizens and residents of the Town of Holly Ridge, and shall be appointed by the Town Council of the Town of Holly Ridge. Two of the regular members shall be citizens and residents of Onslow County who reside outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge as specified by an Extraterritorial Boundary Ordinance adopted pursuant to NCGS 160A-360 (B) and shall be appointed by the Board of Commissioners of Onslow County. One alternate member shall be a citizen and resident of the Town of Holly Ridge, and shall be appointed by the Town Council of the Town of Holly Ridge. One alternate member shall be a citizen and resident of Onslow County who resides outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge as specified by an Extraterritorial Boundary Ordinance adopted pursuant to NCGS 160A-360 (B) and shall be appointed by the Board of Commissioners of

Onslow County.

The regular members of the board of adjustment shall serve for terms of three years, such terms to be staggered as follows:

1. The members numbered one (town resident), two (county resident) shall have initial terms of one year;
2. The members numbered three (town resident), four (county resident), shall have initial terms of two years;
3. The member number five (town resident) shall have an initial term of three years.

Thereafter, each member's term shall be for three years as provided above.

The alternate members of the board of adjustment shall serve for terms of three years, such terms to be staggered as follows:

1. The alternate member who is a town resident shall have initial term of two years;
2. The alternate member who is a citizen and resident of Onslow County who resides outside the Town of Holly Ridge but within the extraterritorial jurisdiction of the Town of Holly Ridge shall have initial term of one year; Thereafter, each member's term shall be for three years as provided above.

Vacancies and Attendance:

Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at periodic meetings of the board of adjustment is to be considered a prerequisite to continued membership. The Town Council may remove and replace any member continually delinquent in his or her duty to attend. The absence of any member from three (3) consecutive scheduled meetings without leave, except when such absence is made necessary by sickness or other similar causes will result in that member's seat being declared vacant. The vacancy thus created shall be filled by the Town Council.

The board shall hold at least one (1) meeting monthly to be held on the 4th Tuesday of the month at 6:30 p.m., and all of its meetings shall be open to the public.

Section 2-13. Meetings

1. Regular Meetings: Regular meetings of the Board of Adjustment shall be held on the fourth Tuesday of each month at 6:30 p.m. in the meeting room at Town Hall and all of its meetings shall be open to the public.
2. Special Meetings: Special meetings of the Board of Adjustment may be called at any time by the Chair with notice given. At least forty-eight (48) hours' notice of time and place of a special

meeting shall be given by the Chairman or the Executive Secretary to all members of the Board of Adjustment (including alternate members) involved in the matters to be considered.

3. Cancellation of Meetings: Whenever there is no business for the Board of Adjustment, the Chair may dispense with a regular meeting by giving notice to all members (including alternate members) no less than forty-eight (48) hours prior to the time set for the meeting.
4. Quorum: Regarding matters pertaining to the area within the jurisdiction of the Town, a quorum shall consist of four (4) of the members of the Board of Adjustment, except that five (5) members shall be required for a quorum in the case of a hearing for a property in the Town's extraterritorial zoning jurisdiction. The fifth member shall be a designated representative of the extraterritorial jurisdiction. There shall be a quorum of members for the purpose of taking any official action.
5. Absence and Attendance: It shall be the duty of all Board of Adjustment members to inform the Planning and Inspections Department of any anticipated absence and notification shall be immediately after receipt of the agenda. A regular member who misses three (3) consecutive regular meetings in a calendar year loses his or her status as a voting member of the Board until reinstated or replaced by the Town Council, or the Onslow County Board of Commissioners if an extraterritorial member. Absences due to sickness, death or other emergencies of like nature shall be regarded as proved absences and shall not affect the member's status on the Board; except, that in the event of a long illness or other such case for prolonged absence the member may be replaced.
6. Conduct of Meeting: All meetings shall be open to the public. The order of business at regular meetings shall be as follows:
 - a. Meeting called to order.
 - b. Approval of minutes of previous meeting.
 - c. Requests, suggestions or petitions from citizens.
 - d. Committee reports.
 - e. Witnesses sworn.
 - f. Hearing cases.
 - g. Other business.
 - h. Adjourn.
7. Agenda: The Planning and Inspections staff shall be responsible for preparation of an agenda prior to each regular meeting of the Board of Adjustment. The agenda shall be distributed to all Board members (including alternate members) involved in the matter to be considered prior to the date of a regular meeting.
8. Voting: All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed above. The required vote to decide appeals and applications shall be the vote of a majority of the members present and shall decide issues before the Board.

Section 2-14. Rules

1. Members of the Board may be removed for cause, including violation of the rules stated below.
2. 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 of the Board.

3. No Board member shall take part in the hearing, consideration or determination of any case in which he or she has financial interests and/or close business ties, close family ties, or any other contacts which effect his/her ability to make an unbiased decision.
4. No Board member shall vote on any matter deciding an application or appeal unless he or she shall have attended the public hearing on that application or appeal.
5. No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its secretary or clerk prior to the hearing.