

## **CHAPTER 2 PLANNING BOARD/BOARD OF ADJUSTMENT**

### **ARTICLE I. GENERAL**

#### **Section 2-1. Creation**

Pursuant to G.S. §§ 160A-361 and 160A-388, there is hereby created a Planning Board/Board of Adjustment 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/Board of Adjustment 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 4<sup>th</sup> 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.

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 special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the zoning and subdivision ordinances. When sitting as the Board of Adjustment, the Planning Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

When acting as a Board of Adjustment, the Planning Board shall follow the procedures set forth in N.C. Gen. Stat. § 160A-388.

### **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. In addition, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and review comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Town Council may proceed in its consideration of the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

### **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.

The Planning Board shall review and make recommendations to the Town Council concerning all proposed plats of land subdivision, when required.

### **Section 2-10. Public facilities**

The Planning Board shall review with the Town Officials and report its recommendations to the Town Council the extent, location and design of all public structures and facilities on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, whether or not there is a recommendation from the Planning Board, the Town Council, if it deems wise, take final action on any such matter at any time.

### **Section 2-11. 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.

**Section 2-12. Annual report, analysis of expenditures and budget request**

The Planning Board shall, in May of each year, submit in writing to the Town Council, a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and shall submit to the Town Council for budget consideration its requested budget of funds needed for operation during the ensuing year.