

BRUNSWICK COUNTY PLANNING BOARD

RULES OF PROCEDURE

ARTICLE I - PURPOSE AND GENERAL RULES

A. Purpose

The purpose of the Planning Board shall be set forth in the Brunswick County Code, and other general and special State laws relating to planning in Brunswick County. The Planning Board shall have those powers and duties delegated by ordinance to the Board by the Brunswick County Board of Commissioners.

B. General Rules

The Planning Board shall be governed by North Carolina General Statute, Article 3, Chapter 160D, Boards and Organizational Arrangements, and other general and special acts relating to planning and related activities in Brunswick County as well as by the ordinance which established the Board. The Planning Board also shall operate according to the most recent edition of Suggested Rules of Procedure for the Board of County Commissioners, published by the University of North Carolina Institute of Government. In instances where the Planning Board conducts quasi-judicial proceedings (i.e., acts as a Board of Adjustment), the Planning Board will operate according to provisions of North Carolina General Statute 160D.

1. Rezoning Applications

The Planning Board will not accept amendments to rezoning requests following application submittal unless sufficient time is provided to notify all adjacent and/or abutting property owners prior to the Planning Board's Public Hearing. Such applications will be tabled until such notification is made.

ARTICLE II - PLANNING BOARD OFFICERS

A. Electing Officers

At its first meeting in July each year, the Planning Board shall elect one of its members to serve as Chair and preside over the Board's meetings and one member to serve as Vice Chair. The persons so designated shall serve in these capacities for terms of one (1) year. Vacancies in these offices may be filled for the unexpired terms only. Election of officers shall occur as the last item of business before adjournment of the August meeting. The candidate for each office receiving a majority vote of the Planning Board members present shall be declared elected.

B. Chair

The Chair shall be elected by the full membership of the Planning Board. The Chair shall decide on all points of order and procedure unless directed otherwise by a majority of the Board in session at the time. The Chair shall preside at all meetings, appoint standing and temporary committees.

Quasi-Judicial Decisions. On all quasi-judicial matters (e.g., Variances), the Chair or any member acting as Chair is authorized to administer oaths to witnesses in any matter coming before the Board. Additionally, the Board through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. The Chair shall issue requested subpoenas he/she determines to be relevant, reasonable in nature and scope,

and not oppressive. The Chair shall rule on any motion to question or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board.

C. Vice Chair

The Vice Chair shall be elected by the Board from among its regular members in the same manner and for the same term as the Chair. He or she shall serve as acting Chair in case the Chair is absent, and at such times he or she shall have the same powers and duties as the Chair.

ARTICLE III - MEMBERS

A. Membership

Membership on the Planning Board shall be governed by the terms of Chapter 153-A of the North Carolina General Statutes and the Brunswick County Code.

B. Members

Seven (7) Planning Board members and one (1) alternate member shall be appointed by the Board of Commissioners. The five (5) members will be selected from each County commissioner electoral district and two (2) At-Large members also shall be appointed by the Board of Commissioners. An additional one (1) member shall be appointed by the Board of Commissioners and will serve as an alternate. New appointments are for three year terms, four (4) terms expiring in even numbered years and three (3) terms expiring in odd numbered years. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the remainder of the unexpired term.

C. Attendance

Any members of the Board who miss more than three consecutive meetings or public hearings, or who miss more than four or more meetings in a year, without a reasonable excuse, may result in loss of office. Leave of absence for good cause can be granted by the Board of Commissioners, for a period not to exceed three (3) months. In either case, until the vacant position has been filled or the member returns from leave of absence, during any interim period the Planning Board shall be deemed to have as its full membership six (6) rather than seven (7) members, and a quorum shall consist of four (4) members.

D. Payment For Attendance

The Board of Commissioners may authorize within the operating budget of the planning department a per diem payment for attendance of meetings of the Planning Board.

E. Reappointments

Members of the Brunswick County Planning Board shall be considered eligible for reappointment by the Board of Commissioners.

F. Director

The Planning Director shall serve as Advisor and Clerk to the Planning Board. The Planning Director shall also serve as Secretary to the Planning Board. The Planning Board Chair or his or her designee may have the opportunity to review the minutes of the Planning Board meeting prior to their submission to the Planning Board for approval. The Secretary, subject to the direction of the Chair and the Board, shall keep all minutes and records of the Planning Board, provide notice of the regular and special meetings to members, and any other such duties normally carried out by the Secretary. The Planning Director shall not be eligible to vote. On

all quasi-judicial (e.g., Special Exceptions) matters, the Clerk to the Planning Board also may administer oaths to all witnesses.

ARTICLE IV – COMMITTEES

The Planning Board may establish such standing or temporary committees as it may deem useful in its works. The members of these committees shall be appointed by the Chair.

ARTICLE V - POWERS AND DUTIES

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

1. Make studies of the County and surrounding area.
2. Determine objectives to be sought in the development of the study area.
3. Prepare and adopt plans for achieving these objectives.
4. Develop and recommend policies, ordinances, administrative procedures; and other means for carrying out plans in a coordinated and efficient manner.
5. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans.
6. Exercise any function in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct.
7. Perform any other related duties that the Board of Commissioners may direct.
8. Consistent with Section 2.3.2. of the Brunswick County Unified Development Ordinance, the Planning Board shall hear and take final action on the following development review procedures:
 - a. Variance from Subdivision Requirements;
 - b. Major Subdivision – Preliminary Plat;
 - c. Major Site Plan;
 - d. Planned Development Review;
 - e. Zoning Vested Rights Determination; and
 - f. Rezoning.
 - g.

ARTICLE VI - MEETING

A. Regular Meetings

Regular meetings of the Board shall be held on the second Monday of every month at 4:00 P.M. in the Public Assembly Building at the Brunswick County Government Complex.

B. Special Meetings

The Chair may call special meetings of the Board at any time. At least forty eight (48) hours written notice of the time and place of special meetings shall be given, by either the Secretary or the Chair, to each member of the Board.

C. Cancellation of Meetings

If there is no business for the Board, or if so many members cannot attend that a quorum will not be available, the Chair may dispense with a regular meeting by given written or oral notice to all members not less than twenty four (24) hours before the time set for the meeting.

D. Quorum

A majority of the full membership of the Board must be present at a meeting if the Board is to transact any business other than to adjourn. The Chair may not call a meeting to order until such a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair shall call the meeting to order, note the lack of a quorum, and adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the Chair shall note the lack of a quorum, order the cessation of business, and adjourn the meeting.

E. Voting

The vote of majority of those members present shall be sufficient to decide all matters before the Planning Board of a legislative nature, provided a quorum is present.

Quasi-Judicial Decisions. While all Variances shall require a four-fifths (4/5) vote for approval, only a simple majority is required for Special Exception permits and ordinance interpretations. No Planning Board member shall participate in the decisions of any matter in which they have a personal financial interest. Each member shall vote either "yes or no" except when excused by the Chair. The Chair shall be entitled to the same voting privileges as any other member of the Board. In the case where a Board member excuses himself or herself from participation in Planning Board matters without prior approval of the Chair, the Board members vote shall be recorded as "Yes".

The Brunswick County Planning Board asserts that boundary line disputes are outside the jurisdiction of the Brunswick County Planning Board. Board action(s), where such boundary line disputes exist, will be made without regards to a real or perceived boundary line dispute.

F. Conflicts of Interest

To preserve public confidence in the integrity of the Planning Board and the County's governmental process, each Board member shall have right and duty to avoid even the appearance of a conflict of interest. A conflict of interest can be defined as participating in a matter where there is either a direct/indirect benefit to the Board member, or the perception of a benefit. The Board member shall ask the Chair to be excused from participation in any matter before the Board in which the member's impartiality might reasonably be questioned. If any other Board member questions the impartiality of a Board member before or during the Board's consideration of a matter, the Chair shall treat this as a request that the member be excused from participation. Any request that a Board member be excused from participation must disclose the basis for the request. It is the Chair's responsibility to determine if a conflict of interest does exist and to either excuse or not excuse the Board member from participation.

ARTICLE VII - BASIC STUDIES

A. Gathering Maps and Aerial Photographs

The Planning Board may gather maps and aerial photographs of man-made and natural physical features of the County and surrounding area, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and any other pertinent information deemed necessary.

B. Special Studies

The Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may such things such as housing, commercial and industrial facilities, parks, playgrounds, and recreational facilities, including water and waste disposal systems; and traffic, transportation and parking facilities.

C. Records Or Information By County Officials

All County officials 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 their official duties, enter upon lands during reasonable hours and make what ever examinations or surveys and maintain necessary monuments thereon in accordance with State law.

ARTICLE VIII - RECOMMENDATIONS

A. Unified Development Ordinance

The Planning Board may prepare and submit to the Board of Commissioners for its consideration and possible adoption of a Unified Development Ordinance to regulate the height, area, bulk, location, and use of buildings and premises within the area, in accordance with the provisions of North Carolina General Statute Chapter 160D. The Planning Board will also have the power to initiate proposals for amendment of the Unified Development Ordinance, based upon its studies and comprehensive plan. The `Planning Board also will review and make recommendations to the Board of Commissioners concerning all proposed amendments to the Unified Development Ordinance.

ARTICLE IX - ADMINISTRATION

A. Attending Conferences, Meetings, Traveling Expenses

Members of the Planning Board, when authorized by the Planning Board and approved by the Planning Director, may attend planning conferences, meetings of planning institutes, hearings upon pending planning legislation, and the Planning Board may upon the Planning Director's approval, and by formal affirmative vote, pay, the reasonable travel expense incident to such attendance.

B. Publicity and Education

The Planning Board shall have the power to promote public interest in and on understanding its recommendations. The Planning Board, with the Planning Director's approval, publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

ARTICLE X - ORIENTATION AND TRAINING

A. Orientation of New Members

The Planning Director shall meet with new Board members as soon as possible after their appointment to prepare them for effectively serving on the Planning Board. At that meeting, the Planning Director shall provide each new member a copy of the Planning Board handbook, all ordinances the Board typically deals with, and the comprehensive plan and other major statements of the County's growth management and land development policies. The Planning Director shall also generally explain the County's growth management and land development policies, the relationship between the Board and County Planning Staff, and the organization, duties and responsibilities, procedural rules, and legal constraints under which the Board operates.

B. General

Board members are encouraged to expand their knowledge and understanding of planning issues by reading planning related literature and attending planning conferences, courses, seminars, and workshops.