

VILLAGE OF BALD HEAD ISLAND PLANNING BOARD RULES AND PROCEDURES

1. GENERAL RULES

A. The Planning Board shall be governed by the terms of *N.C.G.S. 160A-361* as well as applicable ordinances of the Village Council. The Planning Board shall have those powers and duties delegated by ordinance to the Board by the Village Council.

2. APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS

A. The Planning Board shall consist of five (5) members, at least three (3) of whom shall be qualified registered voters of the Village of Bald Head Island. All of the members shall be appointed by the Village Council for three (3) year staggered terms. Two alternates shall be appointed by the Village Council for three-year terms to substitute at meetings for absent members. When substituting, such alternates shall have the same voting privilege as an appointed member. No member may serve more than two consecutive terms.

B. Vacancies occurring for reasons other than the expiration of a membership term shall be filled by the Village Council for the remainder of the unexpired term.

C. Faithful attendance at all Planning Board meetings and conscientious performance of the duties required of members is a prerequisite of continuing membership on the Board. Two consecutive unexcused absences as determined by the Board constitute unfaithful attendance. The Village Council shall remove and replace any member of the Board for such unfaithful attendance.

3. PLANNING BOARD OFFICERS AND STAFF

A. The Planning Board shall hold its first meeting each year in the month of July. During that meeting, the Planning Board shall elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice chairman to serve as acting chairman in the absence of the chairman. The persons so designated shall serve in these capacities for one (1) year and shall be eligible for reelection. Vacancies in these offices may be filled for the unexpired term only. The chairman shall appoint any committee found necessary to investigate any matter before the Board.

B. The Village Manager, or his designee, shall serve as Planning Director and shall also serve as Secretary to the Board.

C. The Planning Director shall serve as advisor to the Planning Board and shall assist with the new member orientation, special studies and development of the comprehensive plan.

D. The Secretary shall keep all records and see that there are minutes of each Board meeting, and shall keep them and a record of all important facts pertaining to each meeting and hearing, every action by the Board, and the votes of all members upon any matter, indicating the names of absentees or those failing to vote.

4. POWERS AND DUTIES

A. The powers and duties of the Planning Board are as follows:

1. To make studies of the Village of Bald Head Island for purposes of implementing zoning ordinance and land use regulation schemes.
2. To determine objectives to be sought by such zoning and land use; to prepare and recommend plans for achieving such objectives, having due regard for considerations set forth in *N.C.G.S. 160-A* and subject always to the limitations contained therefor in the Village Charter. The Planning Board shall have such public hearings as it determines to be necessary.
3. To continually review any existing development ordinances and to make recommendations regarding adjustments thereto and specifically to recommend any amendments thereto.
4. To review on behalf of the Village Council and to advise the Village Council on proposals for the development of new areas of Bald Head Island.
5. In addition to performing the above-related duties regarding creation and establishment of a zoning ordinance, the Planning Board shall perform such other duties as the Council may from time to time direct.

5. MEETINGS

A. Regular Meetings

Regular meetings of the Planning Board shall be held at 1:30 P.M. in the Village conference room sixteen (16) days prior to the regular monthly meeting of the Village Council held generally on the third Saturday of every month.

Submissions to the Planning Board for their consideration and recommendation must be submitted to the Planning Director at least twenty-eight (28) days prior to the next regularly scheduled meeting of the Planning Board. Ten (10) sets of all submittals are required.

B. Special Meetings

Special meetings of the Board may be called by the chairman or any two (2) members at any time. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by either the Secretary or the chairman, to each member and a certificate of such notice, signed by the chairman and/or the Secretary, shall be placed in the record of such meeting.

C. Cancellation of Meetings

Cancellation of a regular or special meeting by the chairman is appropriate if there is no business for the Board or if so many members and alternates cannot attend that a quorum will not be available. The chairman shall attempt to give the maximum notice of such cancellation so as to minimize the inconvenience to members and the public.

D. Quorum

A quorum is present if a majority of the five Board members are present. Alternates substituted for absent members shall be counted as members for purposes of determining if a quorum is present. The chairman shall not call a meeting to order until a quorum is present and after waiting a reasonable time past the meeting's scheduled starting time, and, after determining that there is no hope of obtaining a quorum, the chairman shall declare a cancellation of the meeting.

E. Voting

The vote of a majority of those members present shall be sufficient to decide all matters of a legislative matter before the Planning Board, provided a quorum is present. Matters of evidentiary nature (Special Exception) shall require a four-fifths (4/5) vote for approval. No 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 chairman. The chairman shall be entitled to the same voting privileges as any other member of the Board. In the case where a member excuses himself or herself from participation in Planning Board matters without prior approval of the chairman, the members vote shall be recorded as "yes".

F. Conflicts of Interest

To preserve public confidence in the integrity of the Planning Board, each board member shall have the 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 or indirect benefit to the member. A board member shall ask the chairman 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 member before or during the Board's consideration of a matter, the chairman shall treat this as a request that the member be excused from participation. Any such request must disclose the basis for the request. It is the chairman's responsibility to determine if a conflict of interest does exist and to excuse or not excuse the member from participation.

6. OTHER AREAS OF ACTIVITIES

A. Comprehensive Plan

The Planning Board may consult with and, with the approval of the Village Council, engage various experts and make studies to prepare and recommend to the Village Council, for its consideration and possible adoption a Comprehensive Plan of Development for the Village of Bald Head Island consistent with the Village Charter and the applicable North Carolina General Statutes.

B. Zoning Ordinance

The Planning Board may prepare and recommend to the Village Council, for its consideration and possible adoption, a zoning ordinance to regulate the height, area, bulk, location and use of buildings and premises within the confines of the Village of Bald Head Island in accordance with its Comprehensive Plan and the provisions of *N.C.G.S. 160-A, Ch. 19*. The Planning Board will also have the power to initiate proposals for amendments of the zoning ordinance, based upon its studies and the Comprehensive Plan.

C. Subdivision Regulations

The Planning Board shall study and review the need for regulations for the control of land subdivision in the Village of Bald Head Island and submit its findings and recommendations to the Village Council. The Board shall be responsible for subdivision plat review and shall have the power to condition its recommendation by a requirement that specified contingencies, consistent with the Comprehensive Plan and the zoning ordinance, be met.

7. COURTESY HEARINGS

- A. Courtesy hearings may be called by the Planning Board on any matters of interest to the Board. A quorum shall not be required for conducting a courtesy hearing.

8. AMENDMENTS

- A. These rules of procedure may be amended by a majority vote of the Board provided, however, the proposed change or amendment shall have been submitted in writing at the previous regular meeting of the Board.



9. OPEN MEETINGS

- A. All Planning Board meetings shall be open in accordance with open meetings laws. The Planning Board encourages public attendance and participation in all Village issues and concerns.

10. NOTIFICATION

- A. All efforts shall be made to contact and notify adjacent property owners and other directly impacted and/or interested parties regarding Planning Board matters.