

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

### **ARTICLE I. PLANNING BOARD**

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

Pursuant to G.S. §§ 160D-301, 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 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 160D-202 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 160D-202 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;

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 appoint a member to serve as a chairman and vice chairman. The board may create and fill such other offices as it may determine. The term of the chairman, vice 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 may hold at least one (1) meeting monthly to be held on the 3<sup>rd</sup> Tuesday of the month, 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. Whenever there is no business for the planning board, 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.

### **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. The population estimates for proportional representation calculation shall be updated no less frequently than after each decennial census.

## **ARTICLE II. BOARD OF ADJUSTMENT**

### **Section 2-5. Creation**

Pursuant to, and following the procedures set forth in G.S. § 160D-302, 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 2-6. 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 160D-202 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 160D-202 and shall be appointed by the Board of Commissioners of Onslow County. The population estimates for proportional representation calculation shall be updated no less frequently than after each decennial census. The Board of Adjustment shall elect one of its members as chairman and another as vice chairman on an annual basis and may appoint a secretary and such other subordinates as necessary.

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 may hold at least one (1) meeting monthly to be held on the 4<sup>th</sup> Tuesday of the month, and all of its meetings shall be open to the public.

### **Section 2-7. Meetings**

1. Regular Meetings: Regular meetings of the Board of Adjustment shall be held on the fourth Tuesday of each month 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 Clerk to the Board to all members of the Board of Adjustment (including alternate members) involved in the matters to be considered. Any applicable required hearing shall be properly noticed for any special meeting, which may necessitate a meeting beyond forty-eight (48) hours.
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 three (3) of the members of the Board of Adjustment. 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.