

Rules of Procedure
Planning Board
Town of Emerald Isle

I. General Rules

The Planning Board shall follow procedures which are regular and properly judicial and the Board's decisions shall be in accordance with the recognized body of zoning and land use law.

The Planning Board shall be considered a "public body" and shall comply with all procedures set forth in the State Statutes, Robert's Rules of Order, the Town of Emerald Isle Unified Development Ordinance and these Rules of Procedure, which shall be effective upon enactment by the Board. In cases where the Rules and Procedures conflict with any Federal or North Carolina State Statute, or Town Ordinance, said statutes and ordinances shall govern.

II. Duties and Powers

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

- a. Make studies of the area within its jurisdiction and surrounding areas;
- b. Determine objectives to be sought in the develop of the study area;
- c. Prepare and recommend to the board of Commissioners a Land Use Plan for achieving these objectives;
- d. Develop and recommend policies, ordinances and administrative procedures; and other planning-related duties
- e. Advise the Board of Commissioners concerning the use and amendment of means for carrying out the Comprehensive Plan;
- f. Review and advise the Board of Commissioners on all proposed plats of land subdivision;
- g. Review and advise the Board of Commissioners on all request of rezoning of property;
- h. Report monthly to the Board of Commissioners; and
- i. Perform any other related duties that the Board of Commissioners may direct.

III. Membership

- a. The Town Planning Board shall consist of seven (7) permanent residents of the Town. Initial members of the Planning Board shall serve staggered terms. Appointments at the expiration of the terms of office for the initial members shall be for a term of two (2) years each. Vacancies occurring for reason other than expiration of the terms shall be filled as they occur for the period of the unexpired term.
- b. Appointments to the Planning Board shall be made by the Board of Commissioners. A member of the Planning Board may be removed by a majority vote of the Board of Commissioners, upon a finding by a majority of the Board of Commissioners that:
 - i. The appointed member has missed three (3) consecutive meetings (special or regular or a combination of both) without the member being excused for his absence by a majority vote of the Planning Board. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences, and the Planning Board shall vote on other excuses and justifications of the member for his absence: or

- ii. Prolonged illness or absence, whether excused or not; or
- iii. The appointed member has voted on an issue that represents a conflict of interest for the Planning Board member so voting; or
- iv. The Board of Commissioners determines that removal is in the best interest of the Town.

IV. Election and Duties of Officers

- a. A Chairman and Vice-Chairman shall be elected by the regular Planning Board members on an annual basis as determined by the Board. The term of the chairmen and other officers shall be one (1) year, with eligibility for reelection.
- b. Duties of the Chairman and Vice-Chairman
 - i. Chairman. The Chairman shall have the following powers and duties:
 - a. To preside at all meeting and public hearings of the Board;
 - b. To decide all points of order and procedure
 - c. To entertain and answer questions of rules and/or procedures'
 - d. To call a brief recess at any time;
 - e. To adjourn in an emergency meeting;
 - f. To appoint members to all standing and temporary committees;
 - g. To certify rulings of the Board;
 - h. Shall exercise full voting rights on all matters under consideration.
 - ii. Vice-Chair. The Vice-Chair shall serve as acting Chair in the absence of disability of the Chair. At such times, he shall have and exercise the same powers and duties as the Chair.
- c. The Sectary of the Board, unless otherwise appointed by the Board of Commissioners shall be the Town Planner. The Secretary shall process all applications, develop the monthly agenda and distribute said agenda and all associated materials to the Board for their meeting. The Secretary shall keep a record of all business transacted at any meeting of the Planning Board.

V. Conflict of Interest

A Planning Board member shall abstain from voting on any matter in which the member has a direct or indirect financial interest, or in which the applicant or any related party with a material role in the proposed development is related to the Planning Board member by blood or marriage, or in any other situation defined as a conflict of interest by the laws of North Carolina.

VI. Meetings

- a. Regular meetings of the Planning Board shall be held on the fourth Monday of each month at 6:00 pm in the Board of Commissioners Room of Town Hall, 7500 Emerald Drive.
- b. Special meetings and emergency meetings of the Board may be called at any time by the Chair or upon written request of any two (2) members of the Board in conformance with G.S. 143-318.12, and the place and the subject of the meeting shall be given.
- c. The regular meeting of the Planning Board may be cancelled upon concurrence of the Chairman and the Town Planner if doing so is in the best interest of the Board.

- d. A quorum of the Planning Board shall be required to open any meeting and to conduct business. Four (4) Planning Board members shall constitute a quorum.

VII. Voting and Conduct of Meetings

- a. Only Planning Board members present at a duly convened meeting shall be eligible to vote. Members that have been excused from voting per V. Conflicts of Interest are not eligible to vote.
- b. Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion and a second to the motion.
- c. The Chairman shall be able to vote on all issues unless absent or found to have a conflict per V. Conflicts of Interest.
- d. It is the duty of all Planning Board members present at a meeting to vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a "yes" vote.
- e. All meetings shall be open to the public. The order of business at meetings shall be determined by the Chairman and the Town Planner generally to be as follows:
 - i. Call to order
 - ii. Roll Call
 - iii. Approval of Minutes
 - iv. Review of Request (presentation by Town staff and applicant and/or their representative)
 - v. Report from Town Planner
 - vi. Board Comments
 - vii. AdjournThe Chairman shall have the authority to amend the order of business at any meeting.
- f. Items of review for the meeting shall appear on the agenda with backup documents in the packet. All items must be in the office of the Secretary by noon on Monday three weeks before the scheduled meeting. Business which is not identified on the agenda will not be considered unless deemed an emergency and approved by the majority vote of the Planning Board.
- g. The policy of the Town of Emerald Isle Planning Board is to allow public comments on any item on the agenda. Public comment is limited to residents of the Town or persons having a material interest in the Town. The time limit is three minutes and will be strictly adhered to at all times. If a group or organization is present to speak on any agenda item, only two designated representatives will be allowed to address the Board members. Once a recommendation has been made, no additional comments will be permitted.

VIII. Contact with Parties Involved in Applications

The public meeting is the primary place where petitioners and others interested in requests for zoning map and text amendments should present opinions and information concerning the requests. Contact between interested parties and Board members prior to the public meeting should be avoided. Board members shall not accept any gift, meal or any other item of value

from any party involved in a request. Board members should not indicate their positions regarding requests prior to receiving all information presented and the public meeting.

IX. Adoption and Amendments

These rules shall at all-time be consistent with all other ordinances of the Town of Emerald Isle and the State of North Carolina. These rules, within the limits allowed by law, may be amended by an affirmative vote of the majority of the Planning Board membership. Any such amendment shall be presented in writing at a meeting preceding the meeting with the vote is taken.

X. Compensation

All members of the Planning Board may be compensated from time to time as deemed appropriate by the Board of Commissioners.