

**RULES OF PROCEDURE  
Planning Board  
Town of Emerald Isle**

**1) GENERAL RULES**

The Planning Board shall be governed by NCGS 160D-109, 160D-301 and 160D-604, the Unified Development Ordinance and Town policies and procedures established by the Board of Commissioners. In cases where the policies and procedures conflict with any Federal or State laws or the Town ordinances, said laws and ordinances shall govern.

**2) DUTIES AND POWERS**

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

- a) Prepare, review, maintain, monitor, and periodically update and recommend to the Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
- b) Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- c) To facilitate and coordinate citizen engagement and participation in the planning process;
- d) Advise the Board of Commissioners concerning the implementation of plans, including but not limited to, review and comment on all zoning text and map amendments;
- e) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- f) Report monthly to the Board of Commissioners; and
- g) Perform any other related duties that the Board of Commissioners may direct.

**3) MEMBERSHIP**

- a) The Town Planning Board (referred to as the "Planning Board") shall consist of seven (7) permanent residents of the Town.
- b) The term of office for members of the Planning Board shall be for three (3) years beginning July 1.
- c) Appointments to the Planning Board shall be made by the Board of Commissioners.
- d) Vacancies occurring prior to the expiration of a term shall be filled by the Board of Commissioners for the remainder of the unexpired term.

- e) 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, regular or a combination of both) without the member being excused for their absence by a majority vote of the Planning Board. Absences due to sickness 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 their 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.

**4) ELECTION AND DUTIES OF OFFICERS**

- a) A Chairperson and Vice-Chairperson shall be elected by the regular Planning Board members on an annual basis as determined by the Board. The term of the Chairperson and Vice-Chairperson and other officers shall be one (1) year, with eligibility for reelection.
- b) Duties of the Chairperson and Vice-Chairperson
  - i) Chairperson shall have the following duties and powers:
    - (1) To preside at all meetings and public hearings of the Board;
    - (2) To decide all points of order and procedure;
    - (3) To entertain and answer questions of rules and/or procedures;
    - (4) To appoint members to all standing and temporary committees;
    - (5) To adjourn an emergency meeting;
    - (6) To call a brief recess at any time;
    - (7) To certify rulings of the Board; and,
    - (8) Shall exercise full voting rights on all matters under consideration.
  - ii) Vice-Chairperson
    - (1) The Vice-Chairperson shall serve as acting Chairperson in the absence or disability of the Chairperson. At such times, he shall have and exercise the same powers and duties as the Chair.
- c) The Secretary of the Board shall be the Town Planner, unless otherwise designated by the Town Manager. 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.

**5) CONFLICTS OF INTEREST**

- a) Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on

the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

- b) **Administrative Staff.** – No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
- c) **Resolution of Objection.** – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- d) **Familial Relationship.** – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

## 6) **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 three (3) 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 Chairperson 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.

## 7) **VOTING**

- a) Only Planning Board members present at a duly convened meeting shall be eligible to vote. Members that have been excused from voting per Section 5, 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. On all matters, a majority vote of those members present and eligible to vote shall be necessary to pass any motion.
- c) The Chairman shall be able to vote on all issues unless absent or found to have a conflict per Section 5, 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-recused member who abstains from voting shall be counted as having cast an "affirmative" vote for the motion under consideration.

**8) CONDUCT OF MEETINGS**

- a) All meetings shall be open to the public.
- b) 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.
- c) 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 (3) weeks before the scheduled meeting. Any information intended to be presented in the Planning Board packet should be submitted by Monday two (2) weeks before the scheduled meeting.
- d) 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.
- e) 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

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designated representatives will be allowed to address the Board members. Once a recommendation has been made, no additional comments will be permitted.

9) **CONTACT WITH PARTIES INVOLVED IN APPLICATIONS**

- a) The public meeting is the primary place where petitioners and others interested in requests for zoning map and text amendments and other business matters should present opinions and information concerning the requests. Contact between interested parties and Board members prior to the public meeting should be avoided.
- b) Board members shall not accept any gift, meal or any other item of value from any party involved in a request.
- c) Board members should not indicate their positions regarding requests prior to receiving all information presented at the public meeting.

10) **ADOPTION AND AMENDMENTS**

- a) These rules shall at all times be consistent with all other ordinances of the Town of Emerald Isle and the State of North Carolina.
- b) Amendments. These rules may, within the limits allowed by law, be amended at any time by affirmative vote of the majority of the Board of Commissioners. The Board of Adjustment may propose amendments to these Rules of Procedure in writing to the Board of Commissioners.

11) **COMPENSATION**

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

These Rules of Procedure were approved by a unanimous vote of the Board of Commissioners on June 10, 2025.