

PERSON COUNTY, NC

PLANNING BOARD

RULES OF PROCEDURE



PLANNING BOARD BYLAWS

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1. General Rules

- a. The function of the Planning Board (referred to herein as “the Board” or “Board”) is to hold legislative public hearings in order to determine requests made by property owners in Person County for text amendments, rezonings, conditional rezonings, and any other matters delegated to the Board under State law, local law, and ordinance.
- b. The Person County Planning Board shall be governed by the terms of Section 160D of the General Statutes of North Carolina and by the terms of the Person County Planning Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.
- c. The Board, being a public body, shall at all times conduct meetings in conformity with the applicable Open Meeting Law statutes.

2. Officers and Duties

- a. Clerk to the Planning Board
 - i. The Planning Director or designee shall serve as the Clerk to the Planning Board. The Clerk shall be responsible for the following:
 1. Preparing all agenda packets for the Planning Board.
 2. Ensuring that accurate minutes of the meeting are taken and reported.
 3. Maintaining an archive of agendas and minutes for public review.
- b. Appointments:
 - i. The board consists of seven (7) members. Membership on the Board shall be appointed by the Person County Board of Commissioners.

- ii. The terms of Board members are 3 years. Terms generally begin and end on June 30th. A member's term may be continued beyond 3 years if a successor member has not been appointed. A Board member may also serve successive terms.
- iii. Elections for Chairperson and Vice Chairperson will be held at the first regular meeting in July of each year or the next scheduled meeting following the July meeting.
- iv. Each Member shall, before beginning the duties of his or her position, take and subscribe the oath of office prescribed in Article VI, Sec. 7 of the North Carolina Constitution. The oath of office shall be administered by some person authorized by law to administer oaths and shall be filed with the clerk to the board of commissioners.
- v. After appointment by the Board of Commissioners and at either the Planning and Zoning Department office or the first regular Planning Board meeting, the persons who have been appointed to the Board shall take and subscribe the oath of office.
- vi. A vacancy in the office of the Chair is filled by the Vice Chair for the balance of the Chair's term. The Board shall elect a Vice Chair at its earliest possible meeting.
- vii. If a vacancy by any member on the Board occurs by reason of death, resignation, change of residence, removal, or any other means the seat shall be filled by the Board of Commissioners in an expeditious manner for the duration of the unexpired term.

c. Duties:

- i. Chairperson: The Chair presides at all hearings/meetings, excuses members from hearings as provided in these Rules, makes other decisions provided for in these Rules, and determines all issues, or a process for deciding such issues, not governed by these Rules. The Chairperson shall be elected by a majority vote of the membership of the Board from among its regular members. His/her term of office shall be for one year and until a successor is elected and the Chairperson shall be eligible for re-election. Subject to these rules, the Chairperson shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time. The Chairperson or a duly-authorized member of the Board shall sign the written decision of the Board. The Chairperson shall appoint any committees found necessary to investigate any matter before the Board.
- ii. Vice-Chairperson: The Vice Chair serves as Chair in the Chair's absence or incapacity. The Vice Chairperson shall be elected by the Board from among its regular members in the same manner and for the same term as the Chairperson. He/she shall serve as acting Chairperson in the absence of the Chairperson, and at such times he/she shall have the same powers and duties of the Chairperson.

3. Rules of Conduct

a. Integrity and Respect:

- i. Planning Board Members must behave with respect toward all members of County committees, County staff, the Board of Commissioners and the citizens of Person County.
- ii. Planning Board Members must always act in good faith for the betterment of Person County, not for personal interest.

b. Meeting Attendance:

- i. Members who know they will not be able to attend a meeting must notify the Planning Director of their impending absence prior to the meeting.
- ii. If a member fails to attend three (3) consecutive meetings or a minimum of seventy percent (70%) of all meetings in any fiscal year, the Planning Board, upon a vote

of simple majority, may request, in writing, that the Board of Commissioners determine such position vacated.

- c. Conflict of Interest:
 - i. In general, no member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board in any of the following circumstances:
 - 1. A member having a fixed opinion prior to hearing the matter that is not susceptible to change.
 - 2. A member having undisclosed ex parte communications.
 - 3. A member with a close familial, business, or other associational relationship with an affected person.
 - 4. A member with a financial interest in the outcome of the matter.
 - ii. If a Board member determines that he or she may have a conflict of interest on a particular issue, he or she shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. Members may be excused only by majority vote of the Board. If a member is excused from voting, he or she shall seat themselves in the audience and not participate in any further discussion on said matter or he or she shall remove themselves from the meeting room during deliberations pertaining to such matter.
 - iii. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.
- d. Members of the Board may be removed by the Board of Commissioners for cause, including violation of the rules stated herein.

4. Meetings

- a. Regular Meetings:
 - i. Regular meetings of the Board shall generally be held on the second Thursday of each month at 7:00 p.m., in Room 215 of the Person County Office Building. Each member shall be notified of each meeting by the Zoning Administrator.
- b. Special Meetings:
 - i. A special meeting may only be scheduled by action (simple majority) of the Planning Board during a properly held regular or special meeting.
 - ii. The motion to schedule a Special Meeting must include the subjects to be considered at the Special Meeting as well as the date, time and location in which the Special Meeting is to be held. Such action must be taken at least forty—eight (48) hours (excluding weekends and holidays) in advance of the Special Meeting and public notice provided in accordance with the provisions of the NC Open Meetings Law.
- c. Cancellation of Meetings:
 - i. Public notice of a cancelled meeting should be provided with as much advanced notice as possible.
- d. Notice:
 - i. Notice of all public hearings shall be advertised in the newspaper, except for “special” public hearings, which shall be advertised in accordance with the open meetings law. All such notices shall state the location of the building or lot, the general nature of the question involved, and the time and place of the hearing. The Zoning Administrator shall give public notice by all of the following means:

1. By publishing or advertising notice to the parties of the action at least 10 days but no more than 25 days prior to the hearing.
 2. By making an attempt to notify by mail all property owners of parcels of land within 500 feet of the parcel of land that is the subject of the hearing.
 3. By posting notice of the hearing by means of a “Zoning Proposal Pending” sign provided by the Planning and Zoning Department at a prominent place or places on the property which is the subject of the action at least 10 days prior to the hearing. The applicant shall post the notice with one sign per each road frontage and no more than 25’ from the street right of way. Signs must be clearly visible from the street.
- e. Quorum and Voting
- i. All regular members may vote on any issue unless disqualified for one or more of the reasons listed in Section 3.
 - ii. A quorum shall consist of four members of the Board. All matters shall be decided by majority vote.
 - iii. Where majority approval is not otherwise defined in these rules, it means a majority of those members present and voting at a meeting where a quorum is present.
 - iv. In the case of abstention or failure to vote by a Board member who is seated and has not been excused under these Rules, the member’s vote shall be counted in the affirmative.
- f. Conduct of Meetings
- i. The Board shall keep minutes of its proceedings.
 - ii. The order of business at regular meetings shall consist of the following items:
 1. Call to order
 2. Determination of quorum
 3. Consideration and approval of Board minutes
 4. Consideration of additions to the agenda
 5. Unfinished business
 6. Hearing of cases, in the order they were received
 - iii. An agenda and staff report for each meeting and hearing, consisting of a listing of cases and other business, and the order in which they will be heard, shall be prepared by the Zoning Administrator and shall be mailed to all members prior to the meeting and/or hearing. These reports shall include: a map of the location of the property, factual information, a listing of all relevant Person County Planning Ordinance sections, and the application submitted by the applicant. This report shall be made available to the general public at the same time it is mailed to members.

5. Applications and Public Hearings

- a. Procedure for Filing Applications
 - i. No application shall be considered by the Board unless a completed application is received in accordance with the Filing Calendar maintained by the Planning and Zoning Department.
 - ii. All applications shall be filed with the Planning and Zoning Department. All applications shall be made upon the form furnished for that purpose, and all required information shall be provided thereon before any application shall be considered as having been filed.
- b. Fees

- i. A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall accompany an application. No application shall be considered complete unless accompanied by the fee as herein prescribed.
- c. Hearings
 - i. Public Hearing Date:
 - 1. After receipt of a completed application per the Filing Calendar, the Board shall hear the case at the next regular or special called meeting.
 - ii. Public Input:
 - iii. Anyone that attends a Planning Board meeting shall have the opportunity to make public comments on any agenda item. Prior to speaking, each person shall give their name and address for the minutes of the meeting. Time limitations may be placed on speakers, at the discretion of the Chair, based upon the number of those wishing to address the Board. General Rules of Procedure:
 - 1. All hearings and meetings shall follow the general guidelines for procedure:
 - a. Prior to opening the floor for discussion among the members of the Board; the Chair may, at their discretion, solicit comments from the public.
 - b. Prior to taking any motions, the Chair shall open the floor for discussion among the members of the Board.
 - c. No vote may be taken without a motion.

6. Adoption and Amendment

- a. These rules shall at all times be consistent with all ordinances of Person County and laws of the State of North Carolina. Should any provisions of these rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.
- b. These rules, within the limits allowed by law, may be amended at the request of the Board by a simple majority vote with amendments in writing. This is provided that any change requested has been placed on the Board's regular meeting agenda.

These Planning Board Rules of Procedure were adopted by the Person County Planning Board on the 2nd day of October 1985, and revised by the Planning Board on the 8th day of April 2021 and recorded in the minutes of the meeting.