

CHAPTER 30: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Planning Board

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Cross-reference:

Agricultural Advisory Board, see §§ 156.050 through 156.053

Animal Control Advisory Committee, see § 91.61

Department of Inspections, see §§ 150.50 through 150.53

Sediment Control Commission, see § 154. 74

Watershed Review Board, see §§ 151.81 through 151.87

Statutory reference:

County authority to create a Planning Board and to regulate development, see G.S. Chapter 160D, § 301; § 320 et seq.

PLANNING BOARD

§ 30.01 MEMBERSHIP.

(A) The County Planning Board shall consist of 13 members. ~~Five, made up of five~~ at-large regular members chosen from geographically different areas ~~shall be, as~~ appointed by the Board of County Commissioners, at least two of whom shall be active farmers. The remaining eight members shall be ~~the~~ ex-officio representatives of the Town Planning Boards of the towns of Canton, Clyde, Waynesville, and Maggie Valley; a representative of the Haywood County Board of Realtors; a representative of the Home Builders Association; ~~the;~~ a Haywood County Erosion Control Specialist; and a representative of the Environmental Section of the Haywood County Health Department ~~who shall each serve as ex-officio members.~~

(B) The five ~~at-large~~ members appointed by the Board of County Commissioners shall be appointed as follows: one of the initial members shall be appointed for a term of one year; one member for two years; one member for three years; one member for four years; and one member for five years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board. The ex-officio members shall have all the rights, privileges, and duties of the five ~~above-stated~~at-large members. The ex-officio members of the County Planning Board who represent the town planning boards shall serve for terms coextensive with their respective appointed terms to their respective Town Planning Boards. The other ex-officio members shall serve ~~one-year~~ terms, which may be renewed for so long as such persons remain employed by Haywood County.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 9-22-97; [Am. Ord. passed 7-18-2022](#))

§ 30.02 ORGANIZATION, RULES, MEETINGS, AND RECORDS.

Within 30 days after appointment, the Planning Board shall meet and elect a ~~Chairperson~~Chair and create and fill such offices as it may determine. The term of the ~~Chairperson~~Chair and other officers shall be one year, with eligibility for re-election. The Planning Board shall adopt rules for transaction of its resolutions, discussions, findings, and recommendations, which rules shall be a public record. The Planning Board shall hold at least ten meetings per year, and all of its meetings shall be open to the public. ~~There shall be a~~A quorum of at least six members ~~for the purpose of taking~~shall be required to take any official action required by this chapter. When otherwise authorized by law, ordinance, or the rules of the Board, the Board may hold meetings and take action by electronic means.

Members of the Planning Board shall not vote on any advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member shall not vote on any matter if the landowner of the property subject to a petition or text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 7-19-21; [Am. Ord. passed 7-18-2022](#))

§ 30.03 POWERS AND DUTIES.

It shall be the duty of the Planning Board, in general:

(A) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;

(B) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;

(C) To establish principles and policies for guiding action in the development of the area;

(D) To prepare and recommend to the Board of County Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;

(E) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(F) To keep the Board of County Commissioners and the general public informed and advised as to these matters;

(G) To perform any other duties which may lawfully be assigned to it.
(Ord. passed - -; Am. Ord. passed 6-4-79)

Statutory reference:

Planning Board duties generally, see G.S. §160D-301
(ord. passed ---; Am. Ord. passed 7-19-21)

§ 30.04 BASIC STUDIES.

(A) As background for ~~itsany~~ comprehensive plan and any recommended ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics of past trends and present conditions with respect to population, property values, the economic base of the area, land use, and such other information ~~as is important or~~ likely to be important in determining the amount, direction, and kind of development to be expected in the ~~areacounty~~ and its various parts.

(B) ~~In addition, the~~The Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but are not limited to studies of housing; commercial and industrial facilities; parks, playgrounds, and recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

(C) All county officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 7-18-2022)

§ 30.05 COMPREHENSIVE PLAN.

(A) The Comprehensive Plan, with the accompanying maps, plats, charts, and descriptive matter, shall be and shall show the Planning Board's recommendations to the Board of County Commissioners for the development of the ~~territory~~county, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation

fields, and other public ways, ground, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing buildings, grounds, open spaces, property, utilities, or terminals; the most desirable pattern of land use within the area, including areas for residential uses, for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces, and for mixed uses.

(B) The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

(Ord. passed - -; Am. Ord. passed 6-4-79; [Am. Ord. passed 7-18-2022](#))

§ 30.06 ZONING.

(A) The Planning Board shall prepare and submit to the Board of County Commissioners, for its consideration and possible adoption, a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of G.S. § 160D-701 *et seq.*

(B) The Planning Board may initiate, from time to time, proposals for amendment of the zoning regulations, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the Board of County Commissioners concerning all proposed amendments to the zoning regulations.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 7-19-21)

§ 30.07 SUBDIVISION REGULATIONS.

(A) The Planning Board shall review, from time to time, the need for regulations for the control of land subdivision in the area and submit to the Board of County Commissioners its recommendations, if any, for adoption or revision of the regulations.

(B) In accordance with such regulations, the Planning Board shall review and make recommendations to the Board of County Commissioners concerning all proposed plats of land subdivision.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 7-19-21)

Statutory reference:

Subdivision regulations generally, see G.S. §§ 160D-801 et seq.

§ 30.08 PUBLIC FACILITIES.

The Planning Board shall review with the county officials and report as recommendations to the Board of County Commissioners upon the extent, location, and design of all public structures and facilities, and on the acquisition and disposal of public properties. However, in the absence of a recommendation from the Planning Board, the Board of County Commissioners may, if it deems wise, after the expiration of 30 days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.

(Ord. passed - -; Am. Ord. passed 6-4-79)

§ 30.09 MISCELLANEOUS POWERS AND DUTIES.

(A) The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the Comprehensive Plan. Before adopting any such plan it shall hold at least one public hearing thereon.

(B) The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

(C) Members of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable travelling expenses incident to the attendance.

(D) Pursuant to G.S. Chapter 160D-503, the County Planning Board may enter into cooperative planning and studies with the duly appointed Town Planning Boards in the county, for the purposes of furthering a coordinated, county-wide planning program or other endeavors. In addition, the County Planning Board may enter into cooperative planning endeavors with Planning Boards in surrounding counties.

(Ord. passed - -; Am. Ord. passed 6-4-79; Am. Ord. passed 7-19-21)

§ 30.10 ANNUAL REPORT.

(A) The Planning Board shall, in February of each year, submit in writing to the Board of County Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year, and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

(B) The Planning Board is authorized to receive contributions from private agencies and organizations, or from individuals, in addition to any sums which may be appropriated for its use by the Board of County Commissioners. It may accept and disburse the contributions for special purposes

or projects, subject to any specific conditions which it deems acceptable, whether or not projects are included in the approved budget.

(C) The Planning Board is authorized to appoint such committees, and to authorize such expenditures, as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of County Commissioners in the county's annual budget.

(Ord. passed - -; Am. Ord. passed 6-4-79)

§ 30.11 ADVISORY COUNCIL AND SPECIAL COMMITTEES.

(A) The Planning Board may seek the establishment of an unofficial Advisory Council and may cooperate with this Advisory Council to the end that its investigations and plans may receive fullest consideration, but the Planning Board may not delegate to the Advisory Council any of its official prerogatives.

(B) The Planning Board may set up special committees to assist it in the study of specific questions and problems.

(Ord. passed - -; Am. Ord. passed 6-4-79)

§ 30.12 EFFECTIVE DATE AND REVISION OF ORIGINAL ORDINANCE

This revised ordinance revises and supplants the ordinance in Chapter 30 and all subsequent amendments, and shall be effective on and after [July 18, 2022](#).