

**Cumberland
County**

Joint Planning Board Bylaws

February 17, 2009

The Cumberland County Joint Planning Board is created to provide for continuous, cooperative, comprehensive planning through interlocal agreements entered into by the County of Cumberland and the various municipalities. This Joint Planning Board is created pursuant to the authority of Article 20, Part 1, of Chapter 160A of the North Carolina General Statutes.

Members of the Cumberland County Joint Planning Board are appointed in the following fashion:

Cumberland County Board of Commissioners	4 members
Eastover Town Council	1 member
Board of Commissioners of the Towns of Falcon, Godwin, & Wade	1 member
Hope Mills Board of Town Commissioners	1 member
Town of Linden Board of Commissioners	1 member
Spring Lake Board of Aldermen	1 member
Stedman Board of Commissioners	1 member
Total	10 members

The term of membership of the Joint Planning Board members appointed by the Board of Commissioners' shall be for four years. No such member shall serve more than two full terms, except that upon recommendation of two-thirds of the Joint Planning Board, it may recommend a third full term to the Board of Commissioner's. There are no term limitations for members appointed by the participating municipalities.

CUMBERLAND COUNTY JOINT PLANNING BOARD BYLAWS

ARTICLE I

OFFICERS

- A. **Election.** At the last regular meeting in June of each year, the Board shall elect from its membership, a Chairperson and a Vice-Chairperson. The Planning & Inspections Director shall be *ex-officio*, nonvoting secretary of the Board.
- B. **Tenure.** The term of office shall be from July 1 until June 30 of the following year.
- C. **Duties.**
1. **Chairperson.** The Chairperson shall preside at all meetings, appoint members to committees, serve as *ex-officio* voting member of all committees and perform such other duties as may be ordered by the Board.
 2. **Vice-Chairperson.** The Vice-Chairperson shall act in the capacity of the Chairperson in the Chairperson's absence, and in the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term, and the Board shall elect a successor to the office of the Vice-Chairperson for the unexpired term. The Vice-Chairperson shall serve as *ex-officio* voting member of all committees.
 3. **Secretary.** The Secretary shall execute such documents as authorized by the Board, in the name of the Board, perform the duties hereinafter listed and such other duties as the Board shall determine. In the event the position of the Director becomes vacant, the Chairperson shall appoint a Planning & Inspections Department staff member to perform the secretarial duties until a new Director is employed.
- D. **Rotation in Office.** No elected officer shall be eligible to serve more than two consecutive terms in the same office. In filling vacancies for unexpired terms, an officer who has served more than half of a term is considered to have served a full term in that office

ARTICLE II

MEETINGS

- A. **Public.** All regular and special meetings, hearings, records and accounts of the Board and of all committees thereof shall be open to the public. Closed sessions may be held in conformity with the Open Meetings Law.
- B. **Regular Meetings.** Meetings shall be held on the first and third Tuesdays of each month at 7 p.m. in the Historic Courthouse Hearing Room, or such other time or place as the Board may determine.
- C. **Special Meetings.** Special meetings may be called by the Chairperson or by vote of a simple majority of members of the Board. The Chairperson may designate in advance regular or special meetings for the presentation of reports on the comprehensive plan or on general planning discussions, deferring hearings and petitions to subsequent meetings. Notice of such special meeting shall be given by the Secretary to all members of the Board at least 48 hours prior to such meeting and shall state the purpose, time and place of the meeting.
- D. **Quorum.** A simple majority of the appointed members shall constitute a quorum for the transaction of business and the taking of official action by the Board.
- E. **Order of Business.** The Secretary shall prepare an agenda for each meeting, and the order of business therein shall be as follows, to the extent applicable:
 - 1. **Adjustment(s) to the Agenda**
 - 2. **Approval of Minutes and Agenda**
 - 3. **Board Member Disclosure/Abstention**
 - 4. **Public Hearings/Policy Statement**
 - 5. **Plats and Plans**
 - 6. **Unfinished Business**

7. **Motion and Discussion**
8. **New Business**
9. **Director's Update/Information**
10. **Adjournment**

- F. **Motions.** Motions shall be restated by the chair before a vote is taken. The name of the maker of the motion and the member seconding the motion shall be recorded.
- G. **Voting.** Voting shall be by voice, or at Chairperson's call then by show of hands. The minutes shall reflect the names and votes of those members voting on non-unanimous decisions.
- H. **Conflict of Interest.** Each member shall abstain from discussing and voting on any issue in which the member has a personal or financial interest, as provided by North Carolina General Statutes. Abstaining member shall disclose the general nature of the interest and shall leave the room during voting on the issue, except, an abstaining member may not have to leave the room for consent items.
- I. **Staff Reports and Recommendations.** At all hearings, the planning staff shall make a report and recommendation(s) on the matter involved before the petitioners are heard.
- J. **Procedure and Action.** Board procedure on all hearings shall be in the following order:
1. Staff report and recommendation
 2. Argument by proponent
 3. Argument by opponent
 4. Rebuttal by proponent
 5. Close of Public Hearing
 6. Discussion
 7. Motion and Discussion by Board Members

8. Vote by Board Members

The Chairperson shall have the privilege of limiting arguments by both proponents and opponents to avoid redundant, cumulative or repetitive testimony or argument.

- K. Quasi-Judicial Hearings. Hearing shall be conducted as required by State law.**
- L. Parliamentary Procedure. Meetings shall be conducted in accordance with generally accepted principles of parliamentary procedure.**
- M. The secretary shall cause accurate minutes of the Board's meetings reflecting, members present and action taken by the Board, to be kept.**

ARTICLE III

COMMITTEES

- A. Creation of Committees . The Chairperson or the Board may establish Committees of the Board from its membership in order to provide for thorough study and consideration of matters which are the responsibility of the Board, and in order to provide for its efficient operation. The committees of the Board shall consist of:
 - 1. Standing committees created either by provision in the Bylaws or by express resolution of the Board, to perform an express function on a continuing basis. The standing committees created concurrent with the adoption of these Bylaws are:
 - a. Administrative Committee.** Its duties shall be to study the work program of planning-related items of the Planning & Inspections Department. It shall receive the views of the staff thereon and make its recommendations to the Board.
 - b. Nominating Committee.** Its duties shall be to nominate candidates for the offices of Chairperson and Vice-Chairperson for the upcoming year at the first regular meeting in June, and to recommend to the County Board of Commissioners' candidates to fill County vacancies on the Board.
 - c. Land Use Codes Committee.** Its duties shall be to review land development ordinances and staff recommendations on land****

development codes which may be referred to it and make recommendations to the Board.

d. **Comprehensive Planning Committee.** Its duties shall be to review and to make recommendations to the Board concerning Land Use Planning.

2. **Special committees created by the Chairperson or by express resolution of the Board to perform a specific function or make a special study and recommendation. Special committees expire with the terms of the Chairperson and Vice-Chairperson.**

Unless expressly authorized by the Board to do so, no committee shall have the authority to act or speak for the Board.

B. Committee Membership Appointment and Reassignment. Committees may be composed of as many members as the Chairperson may deem necessary, provided that in no case shall a committee be composed of less than three members. The elected Board officers shall serve as *ex officio* voting members of all committees. The Chairperson shall appoint all committee members and shall designate one member as committee moderator by July 1st for standing committees, to serve until his successor has been appointed, not to exceed one year. The Chairperson may reassign members with the approval of the Board.

C. Meetings of Committees. All committees shall meet at the call of the moderator. The Chairperson may request the moderator to call a special meeting at any time with such notice as he may specify. The Secretary shall issue notice of meetings in compliance with the Open Meetings Law.

D. Quorum. A majority of the members appointed to a committee shall constitute a quorum.

E. Cooperation with Interested Private and Public Groups. The moderator of any standing or special committee may request the Director to invite any interested parties to appear before the committee. The moderator may invite department heads from the governing body or bodies which are directly or indirectly concerned with matters to be considered by the committee.

ARTICLE IV

HEARINGS

A. **Zoning Hearings.** Zoning hearings may be held for rezoning or initial zoning and on staff proposals for changes in the zoning ordinance or map of any municipal or county governing body.

B. **Notices of Zoning Hearings.** Notice of zoning hearings shall be given to petitioners, to owners of property under consideration for rezoning and to owners of property immediately adjacent thereto. The staff shall utilize the best available method of determining names and addresses of persons to receive notice. The staff shall utilize any other method deemed advisable for notifying interested parties of zoning hearings.

C. **Cost to Applicant.** Each applicant for rezoning shall pay the amount as determined by the applicable fee schedule, which shall be applied to the expense of processing the application, including advertisement, and shall not be refunded except upon specific formal action of the Board. No application to rezone any property shall be considered more than one time in any 12-month period except upon approval by the Board or governing body.

D. **Other Hearings.** Notice of other hearings to be considered by the Board shall be given in a manner prescribed by the Board prior to the hearing date. Such hearings may be held concerning approval and revision to any elements of the comprehensive plan of any local government. In addition to the notice prescribed by the Planning Board, the staff shall attempt to publicize these hearings through the available news media and through mailing lists which may be available.

ARTICLE V

MATTERS TO BE CONSIDERED BY THE BOARD

A. **Advisory Matters.** The Board shall make recommendations to the appropriate governing bodies on the following matters:

1. Petitions and staff proposals for initial zoning ordinances and maps and for changes in existing zoning ordinances and maps.
2. The location, character and extent of public improvements and the acquisition of land therefore.

3. The design plans of all landscape architecture in connection with parks, streets, recreation areas and public buildings and other local governmental developments, when requested by any participating jurisdiction.
4. Approval of all elements of all comprehensive plans before publication or general distribution.
5. Selection of consultants and determination of basis for compensation.
6. Such other matters as the Director shall find advisable or essential to receive consideration by the Board.
7. Such other planning-related matters as may be requested by any local governing body or by the Board.
8. Appointment of an Interim Director and recommendation regarding a Permanent Director as provided in the Interlocal Agreement for the Joint Planning Board.

B. Other Matters. The Board has final authority on the following matters:

1. Consideration of waivers to preliminary plans approved under the terms of the subdivision ordinance where delegated by the governing bodies.
2. Consideration of approving alternate yards for development plans in planned zoning districts, where delegated by the governing bodies.
3. Plats and Plans as to the extent designated by local governing body.

ARTICLE VI

MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE BOARD

A. Action by Staff. The Director shall take action or make recommendations in the name of the Board in accordance with authority approved or established by the Board from time to time, and where there is serious conflict of interest, public controversy or uncertainty or doubt regarding the plans, policies or procedures, presentation of the matter(s) in question also shall be made at a Board meeting.

The Planning & Inspections Director, in his discretion, may refer any such matter to the Board for its guidance.

- 1. Approval or securing approval of final subdivision plans in accordance with the preliminary plans recommended by the Board.**
- 2. Approval or securing of approval of final landscape plans in accordance with the preliminary plans recommended by the Board.**
- 3. Approval or securing of approval of proposed water and sewer extensions when the extension is to occur outside of a municipalities Municipal Influence Area and/or the Sewer Service Area.**

B. The Planning & Inspections Director shall be responsible to the County Manager for all budgeting and staffing issues related to planning related services.

ARTICLE VII

AMENDMENTS

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the full Board, provided that no amendment may be made unless all Board members have been notified five days prior to the meeting at which such amendment is to be considered.

Adopted originally 12/12/1967

Revised 4/24/1973, 7/30/1996, and 2/17/2009

Ratified by Cumberland County, Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, & Wade