

**AMENDMENTS TO ORDINANCE RECONSTITUTING
THE SAMPSON COUNTY PLANNING BOARD**

SAMPSON COUNTY PLANNING BOARD ORDINANCE

Section 100. MEMBERSHIP. The Planning Board shall consist of five (5) members appointed by the Governing Board. Each member appointed to the Planning Board must take an oath of office as set forth in N.C. Gen. Stat. § (“G.S.”) 160D-309 and must abide by the conflicts of interest standards set forth in G.S. 160D-109. Each member shall be a resident of the County. In addition to the appointed members, the Zoning Administrator or designated assistant shall be an ex-officio, non-voting member of the Planning Board and shall attend all meetings for the purpose of providing technical assistance when requested by the Planning Board. The County Manager shall also be an ex-officio, non-voting member of the Planning Board.

Section 200. TERMS OF OFFICE. Terms shall be for three (3) years, except in the case of a partial term created by vacancy. A member may only be appointed for two (2) consecutive terms, after which he or she shall be ineligible for reappointment for one (1) year. For purposes of reappointment, a partial term of more than eighteen (18) months shall be regarded the same as a full term, whereas a partial term of less than eighteen (18) months shall not be considered a full term for purposes of the two (2) term limit set forth above. Any member’s term of office shall continue until such time as his or her successor is appointed and takes the oath of office.

Section 300. REMOVAL FROM OFFICE. An appointed member may be removed from office upon a majority vote of the Governing Board for any of the following causes:

(1) Absence from any four meetings during a calendar year unless such absence has been excused by a majority of the members of the Planning Board upon a showing of good cause with the reason constituting good cause being entered in the minutes of the Planning Board for each of the meetings from which such member was absent.

(2) Knowing participation in the consideration of any matter brought before the Planning Board under circumstances that would violate the constitutional rights of any person to an impartial decision maker.

(3) Violation of any statute, regulation, ordinance, policy or other provision of law governing the conduct of members of local planning boards.

(4) Conviction of any crime that is classified as a Class 1 or Class 2 misdemeanor, with the exception of violations of offenses codified in Chapter 20 of the General Statutes which do not constitute crimes of moral turpitude, or a felony under the laws of North Carolina or the equivalent thereof if such conviction is under the laws of another state or of the United States.

(5) Engaging in personal conduct that is detrimental to the reputation or integrity of the Planning Board.

(6) Any other cause for which there is a legal basis for removal from office under the statutory or common law of North Carolina or the United States.

Section 400. OFFICERS. Officers for the Planning Board shall be selected as follows:

Subsection 401. CHAIR AND VICE-CHAIR. The Planning Board shall elect a Chair and Vice-Chair from its appointed membership by majority vote of the members of the Planning Board. The Chair shall preside at all meetings of the Planning Board, appoint members to committees, decide all points of procedure unless otherwise directed by a majority or, where applicable, super-majority vote of the Planning Board members present, and perform such other duties as may be ordered by a majority vote of the Planning Board. The Vice-Chair shall preside as Chair at all meetings where the Chair is not present. In the event that the Office of the Chair becomes vacant, the Vice-Chair shall succeed to that office for the remainder of the unexpired term set forth below. In the event that the Vice-Chair is required to fill such a vacancy in the Office of the Chair, the members of the Planning Board shall appoint a successor Vice-Chair by majority vote and said successor Vice-Chair shall succeed to that office for the remainder of the unexpired term set forth below. The Offices of the Chair and the Vice-Chair shall be for terms of one (1) year, subject to the term limitations set forth in Section 200 above, with elections for the Offices of Chairman and Vice-Chairman to be held at the first meeting of the Planning Board in each year. The Chair and Vice-Chair shall be eligible to serve successive terms without limitation, other than those more general term limitations set forth in Section 200 above.

Subsection 402. SECRETARY. A Secretary shall be appointed by the County Manager, either from within or outside the Planning Board's membership, to hold office during the term of the Chair or until a successor Secretary shall have been appointed. The Secretary shall be eligible for reappointment for successive terms without limitation, other than those more general term limitations set forth in Section 200 above in the event that the Secretary is from within the Planning Board's membership. The Secretary, subject to the direction of the Chair and the Board, shall keep all records, shall conduct all correspondence of the Planning Board, and shall generally supervise the clerical work of the Planning Board. If the Secretary is chosen from outside the membership of the Planning Board, he or she shall not be eligible to vote upon any matter.

Section 500. COMPENSATION. Appointed members of the Planning Board shall be compensated for each meeting attended in an amount established by the Board of Commissioners in the County's annual budget. This compensation is to be paid in one lump sum amount at the end of the County's fiscal year.

Section 600. POWERS AND DUTIES. The powers and duties of the Planning Board shall be as follows:

Subsection 601. DUTIES AUTHORIZED BY G.S. 160D-301. The Planning Board shall perform the following duties:

(1) To prepare, review, maintain, monitor, and periodically update and recommend to the Governing Board a comprehensive plan, such other plan as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;

(2) To facilitate and coordinate citizen engagement and participation in the planning process;

(3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(4) To advise the Governing Board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments, as required by G.S. 160D-604;

(5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the Governing Board may direct;

(6) To perform any other related duties that the Governing Board may direct.

Subsection 602. SUPPLEMENTAL POWERS AUTHORIZED BY G.S. 160D-502. The Planning Board, with the concurrence of the Governing Board, shall have those supplemental powers authorized by G.S. 160D-502, at such times and in such circumstances as the Governing Board may direct.

Subsection 603. DUTIES RELATED TO ZONING MATTERS. The Planning Board shall initiate proposals for amendment of the County Zoning Ordinance based on its studies and the comprehensive plan, as that term is defined in the County's Zoning Ordinance and shall recommend such proposed amendments to the Governing Board.

Subsection 603. DUTIES RELATED TO SUBDIVISION REGULATION. The Planning Board shall initiate proposals for amendment of the County Subdivision Regulations based on its studies and the needs of the County and shall recommend such proposed amendments to the Governing Board. The Planning Board shall review and make recommendations to the Governing Board concerning all proposed major subdivisions and any other matters as set forth in the subdivision regulations.

Subsection 605. BOARD OF ADJUSTMENT. The Planning Board is hereby designated as the Sampson County Board of Adjustment and is vested with all the powers and authority of and shall perform the duties of the Board of Adjustment pursuant to and in accordance with G.S. 160D-705.

Subsection 606. FURTHER POWERS AND DUTIES. The Planning Board shall have such further powers incidental and necessary to perform any duties which it may perform pursuant to Chapter 160D of the North Carolina General Statutes.

Subsection 607. BYLAWS AND PROCEDURES. The Planning Board shall have the authority to adopt bylaws and procedures consistent with this ordinance and applicable law, provided that said bylaws and procedures must be approved by the Governing Board.

Subsection 608. COMMITTEES. The Planning Board shall have authority to establish any committees under such terms and conditions as it deems necessary or prudent to assist the Planning Board in conducting any of its duties.

Section 700. MEETINGS. All meetings of and hearings conducted by the Planning Board shall be held in Sampson County at such time and place as established by the Planning Board and in accordance with the Article 33C of Chapter 143 of the North Carolina General Statutes.

Section 800. MINUTES. Minutes, records, or accounts of all meetings of the Planning Board shall be prepared and maintained permanently in accordance with G.S. 160D-308. All minutes, records, and accounts of such meetings shall be open for public inspection.

Section 900. CONFLICT WITH LAWS AND ZONING ORDINANCE. To the extent that any provision of this Ordinance conflicts with any state or federal statute or regulation or the County's Zoning Ordinance, the statute or zoning ordinance shall control.