

AN ORDINANCE ESTABLISHING
A PLANNING BOARD FOR
CHATHAM COUNTY, NORTH CAROLINA

WHEREAS the General Statutes of North Carolina, Chapter 153 A, Article 18, Part 1, provides for the establishment and operation of a County Planning Board,; and

WHEREAS it appears to be advantageous to the welfare of the County of Chatham that a comprehensive and continuous planning program be maintained; and

WHEREAS the Board of County Commissioners needs the active assistance and constant cooperation of many concerned citizens in their efforts to serve the best interests of the people and to direct the County's growth according to sound management and planning principles; and

WHEREAS the Ordinance establishing the Chatham County Planning Board should be amended as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED by the Chatham County Board of County Commissioners that the Ordinance establishing the

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hereinafter referred to as the "Planning Board" is amended to read as follows.

Section 1. Appointment and Compensation. The Planning Board shall consist of eleven (11) members appointed as set forth herein. All members of the Planning Board shall serve at the pleasure of the Board of County Commissioners (the "Board of Commissioners").

A. Each Commissioner shall have the right to recommend two (2) appointments to the Planning Board. One (1) appointment shall reside in said Commissioner's district. The other appointment may reside in said Commissioner's district, or in any area within Chatham County. If a Commissioner determines that no qualified person residing in his or her district is willing to serve, and if the Board approves, then both appointments may be from outside a Commissioner's district. The Board of Commissioners shall appoint one (1) at large member to the Planning Board who shall be a resident of Chatham County. In order for any appointment to become effective the appointee must be approved by a vote of the majority of the Board of County Commissioners. Appointments shall be made in such a manner that Planning Board members shall represent insofar as practical, the geographical, socioeconomic, gender and racial makeup of the county.

B. All appointments, except those necessary to fill an unexpired term, shall be for a term that begins in January following the election of the appointing Commissioner and expires on the 31st day of the December following the expiration of the term of the appointing Commissioner. Appointments to fill a vacancy in an

unexpired term shall be for the length of the unexpired term. The term of the at large member shall be four years. Ex-officio members may from time to time be appointed by the Board of Commissioners to serve such terms as are fixed by the Appointing Resolution; however, ex-officio members shall not vote on matters before the Planning Board.

C. Notwithstanding the appointment to a fixed term, all members of the Planning Board serve at the pleasure of the Board of Commissioners. Any Commissioner may recommend to the Board of Commissioners that any member who was recommended by such Commissioner, or his or her predecessor in office, be removed from the Planning Board. No Commissioner may recommend removal unless the Planning Board member was recommended by such Commissioner, or his or her predecessor in office, except that any Commissioner may recommend removal of the at-large member. In order for any removal to become effective it must be approved by a majority of the Board of Commissioners. Upon removal of a member, the Commissioner who recommended such removal, shall, with the approval of a majority of the Board of Commissioners in accordance with Section 1A of this Ordinance, appoint a successor member. Any such successor member shall serve for the unexpired term of the removed member whose place he or she was appointed to take.

D. Any person interested in serving as a member of the Planning Board may provide the County Planning Department with a current resume or summary of personal data. The Planning Department shall maintain a current file of persons interested in filling vacancies on the Planning Board and shall provide such information to the Board of Commissioners when vacancies occur.

E. Members of the Planning Board appointed hereunder shall receive only such compensation as may be hereafter fixed by the Board of Commissioners.

Section 2. Organizations, Rules, Meetings and Records.

A. The Planning Board shall elect a Chairman and a Vice-Chairman and create and fill other offices it may determine. The term of the Chairman and Vice-Chairman shall be for one (1) year, with eligibility for reelection for one (1) additional term. The procedure for such elections shall be defined in the Chatham County Planning Board Rules of Procedure.

B. The Planning Board shall adopt Rules of Procedure for transaction of its business and shall keep a record of its member's attendance, and of its resolutions, discussion, findings, and recommendations, which shall be a public record.

C. The Planning Board shall hold at least one (1) meeting monthly, and any other meetings, subcommittee meetings and work sessions which may be necessary to achieve the goals and objectives of the Planning Board. All of its meetings shall be in compliance with the North Carolina Open Meeting Law, Article 33B of Chapter 143 of the North Carolina General Statutes. There shall be a quorum for the purpose of taking any official action required by this ordinance. A quorum shall constitute a majority of the then current members.

D. At the beginning of consideration of a matter before the Planning Board, any member who has an interest, whether direct or indirect shall notify the Planning Board forthwith of said interest. The Chairman shall excuse said member from further participation in the matter. A member's withdrawal from participation shall not be interpreted as voting on the matter.

Section 3. General Powers and Duties. It shall be the duty of the Planning Board working with other local, regional, state, and federal agencies:

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 development of the area;

C. To establish principles for guiding action in the development of the area;

D. To prepare and recommend to the Board of 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 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 by the Board of Commissioners;

H. The Planning Board may conduct such public meetings as may be required to gather or disseminate information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan, it shall hold at least one (1) public hearing thereon.

I. The Planning Board shall strive 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.

J. Members of the Planning Board may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation.

Section 4. Annual Report of Activities. The Planning Board shall, in January of each year, submit in writing to the Board of Commissioners a written report of its activities, and an analysis of trends and issues with which it has dealt with in the previous year, as well as issues that may be forthcoming, pursuant to this Ordinance.

The Planning Department, as authorized by the Board of Commissioners and the County Manager, shall serve as staff to the Planning Board.

Section 5. Advisory Council and Special Committees. The Planning Board may recommend the establishment by the Board of Commissioners of Advisory Councils and may cooperate with these councils to the end that its investigations and plans may receive full consideration. When established, the Board may not delegate to such advisory councils any of its official functions. The Planning Board may set up special committees to assist it in the study of specific questions and problems or establish permanent subcommittees to promote the efficient review of proposals and work items.

Section 6. Repeal and Date of Effect. All ordinances, parts thereof, resolutions, and Board of Commissioner's actions related to the Chatham County Planning Board in existence prior to the adoption of this Ordinance are hereby repealed. This Ordinance shall be in full force and effect as an ordinance of Chatham County from and after its adoption.

Section 7. Validity. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

Revised 2/5/07

Amendments Effective 2/5/07

AN ORDINANCE TO ESTABLISH A PLANNING BOARD FOR
CHATHAM COUNTY, NORTH CAROLINA

WHEREAS the General Statutes of North Carolina, Chapter 153 A, Article 18, Part 1, provides for the establishment and operation of County Planning Board, attached hereto and incorporated herein for reference as Exhibit A; and

WHEREAS it appears to be advantageous to the welfare of the County of Chatham that a comprehensive and continuous planning program be undertaken; and

WHEREAS the Board of County Commissioners needs the active assistance and constant cooperation of many concerned citizens in their efforts to serve the best interests of the people and to direct the County's growth according to sound management and planning principles, therefore;

BE IT RESOLVED; that the Board of County Commissioners hereby establish

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hereinafter referred to as the "Planning Board" and ordain that it be governed by the following provisions.

Section 1. Appointment and Compensation. The Planning Board shall consist of not less than ten (10) members to serve the terms as set forth herein.

F. Each Commissioner shall have at least two (2) appointments to the Planning Board. At least one of each commissioner's appointments shall be from said commissioner's district with the other appointment from any area within Chatham County. If practical difficulties exist and the Board approves otherwise, then appointments may be from outside a commissioner's district. In order for an appointment to become effective the appointee must be approved by a vote of the majority of the Board of County Commissioners. Appointments shall be made in such a manner that Planning Board members shall represent insofar as practical, the geographical, socioeconomic, sexual and racial makeup of the county.

G. Eleven (11) members shall be appointed to take office effective July 1, 1977; four (4) shall be appointed for a two-year term and three (3) shall be appointed for a one-year term. All successive appointments, except those necessary to fill an unexpired term, shall be for terms of three (3) years. Appointments to fill an unexpired term shall be for the length of the unexpired term. No member shall serve more than two full terms until after a one- (1) year waiting period. A member may serve an unexpired term and two full terms without a waiting period. Members of the Planning Board serving at the time of adoption of this ordinance shall be eligible for reappointment for one term beginning July 1, 1977 without a waiting period. Ex-officio members may from time to time be appointed by the Board of Commissioners to serve such terms as are fixed by the Appointing Resolution. (Historical footnote: The original Planning Board had eleven members and the Ordinance provided for the Commissioner(s) representing a zoned area to have a third appointment. This provision was deleted in an amendment adopted May 21, 1990.)

H. Faithful attendance at Planning Board Meetings shall be a prerequisite to continued membership on the Planning Board. The Board of Commissioners may terminate the membership of any member for nonattendance at Planning Board meetings and declare a vacancy in his office.

The Director of Planning shall advertise positions available on the Planning Board in local papers. Any person interested in serving as a member of the Planning Board shall provide the County Planning Department with a current resume or summary of personal data. The Planning Department shall maintain a current file of persons interested in filling vacancies on the Planning Board and shall provide such information to the Board of Commissioners when vacancies occur.

Section 2. Organizations, Rules, Meetings and Records.

Within thirty (30) days after the appointment, the Planning Board shall meet and elect a Chairman and create and fill other offices as it may determine. The term of the Chairman and Vice-Chairman shall be for one (1) year, with eligibility for reelection for one (1) term.

Section 3. General Powers and Duties. It shall be the duty of the Planning Board working with other local, regional, state, and federal agencies:

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

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 by the Board of county Commissioners;

H. The Planning Board may conduct such public meetings as may be required to gather or disseminate 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.

I. The Planning Board shall strive to promote public interest in and an understanding of its recommendations, and to that end it may public and distribute copies of its recommendations, and may employ such other means of publicity and education as it may determine.

Section 4. Annual Report of Activities. The Planning Board shall, in July of each year, submit in writing to the Board of County Commissioners a written report of its activities, and an analysis of trends and issues with which it has dealt with in the coming year pursuant to this ordinance. The Planning Department, as authorized by the Board of County Commissioners and the County Manager, shall serve as staff to the Planning Board.

Section 5. Advisory Council and Special Committees. The Planning Board may recommend the establishment by the Board of County Commissioners of Advisory Councils and may cooperate with these councils to the end that its investigations and plans may receive fullest consideration. When established, the Board may not delegate to such advisory councils any of its official prerogatives. The Planning Board may set up special committees to assist it in the study of specific questions and problems or establish permanent subcommittees to promote the efficient review of proposals and work items.

Section 6. Repeal and Date of Effect. All ordinances, parts thereof, resolutions, and Board of County Commissioner's actions related to the Chatham County Planning Board in existence prior to the adoption of this ordinance are hereby repealed. This resolution and ordinance shall be in full force and effect as an ordinance of Chatham County from and after July 1, 1977.

Section 7. Validity. Should any section, paragraph, sentence, clause or phrase of this resolution and ordinance be declared unconstitutional or invalid for any reason, the remainder of the resolution and ordinance shall not be affected thereby.

Amendments Effective January 22, 2008

Section 1. Appointment and Compensation

B. All appointments, except those necessary to fill an unexpired term, shall be for a term which expires on the date that the term of the appointing Commissioner expires. Appointments to fill an unexpired term shall be for the length of the unexpired term. No member shall serve more than two (2) consecutive terms without being off Planning Board for a one (1) year waiting period. A member may serve an unexpired term and two (2) successive terms without a waiting period. Ex-officio members may from time to time be appointed by the Board of Commissioners to serve such terms as are fixed by the Appointing Resolution.

Section 2. Organization, Rules, Meeting, and Records

A. At its first meeting after the first Monday in December of each year, the Planning Board shall meet and elect a Chairman and a Vice-Chairman and create and fill other offices as it may determine. The term of the Chairman and Vice-Chairman shall be for one (1) year, with eligibility for reelection for one (1) additional term.

Amendments Effective December 19, 2022

Section 1. Appointment and Compensation. The Planning Board shall consist of eleven (11) members appointed as set forth herein. All members of the Planning Board shall serve at the pleasure of the Board of County Commissioners (the "Board of Commissioners").

I. Each Commissioner shall have the right to recommend two (2) appointments to the Planning Board. One (1) appointment shall reside in said Commissioner's district. The other appointment may reside in said Commissioner's district, or in any area within Chatham County. If a Commissioner determines that no qualified person residing in his or her district is willing to serve, and if the Board approves, then both appointments may be from outside a Commissioner's district. The Board of Commissioners shall appoint one (1) at large member to the Planning Board who shall be a resident of Chatham County. ~~The Board of Commissioners shall establish the term of the at large member in the Appointing Resolution.~~ In order for any appointment to become effective the appointee must be approved by a vote of the majority of the Board of County Commissioners. Appointments shall be made in such a manner that Planning Board members shall represent insofar as practical, the geographical, socioeconomic, gender and racial makeup of the county.

J. All appointments, except those necessary to fill an unexpired term, shall be for a term that begins in January following the election of the appointing Commissioner and expires on the 31st day of the December following the expiration of the term of the appointing Commissioner. Appointments to fill an a vacancy in an unexpired term shall be for the length of the unexpired term. The term of the at large member shall be four years. ~~No member shall serve more than two (2) consecutive terms without vacating Planning Board membership for a one (1) year waiting period. A member may serve an unexpired term and two (2) successive terms without a waiting~~

~~period.~~—Ex-officio members may from time to time be appointed by the Board of Commissioners to serve such terms as are fixed by the Appointing Resolution; however, ex-officio members shall not vote on matters before the Planning Board.

K. Notwithstanding the appointment to a fixed term, all members of the Planning Board serve at the pleasure of the Board of Commissioners. Any Commissioner may recommend to the Board of Commissioners that any member who was recommended~~appointed~~ by such Commissioner, or his or her predecessor in office, be removed from the Planning Board. No Commissioner may recommend removal unless the Planning Board member was ~~appointed~~recommended by such Commissioner, or his or her predecessor in office, except that any Commissioner may recommend removal of the at-large member. In order for any removal to become effective it must be approved by a majority of the Board of Commissioners. Upon removal of a member, the Commissioner who recommended such removal, shall, with the approval of a majority of the Board of Commissioners in accordance with Section 1A of this Ordinance, appoint a successor member. Any such successor member shall serve for the unexpired term of the removed member whose place he or she was appointed to take. ~~Such successor members shall thereafter be eligible for appointment to no more than two (2) successive terms in accordance with Section 1B of the Ordinance.~~