

Chapter 16 PLANNING AND DEVELOPMENT

* **Cross References:** Flood damage prevention, §§ 4-60 et seq.

State Law References: Zoning power, G.S. 160D-702; subdivision regulation power, G.S. 160D-801; mountain ridge protection, G.S. 113A-205 et seq.

ARTICLE I.

IN GENERAL

Secs. 16-1--16-5. Reserved.

Editor's Note: Sections 16-1--16-5 have been deleted as being superseded by an amendment adopted November 28, 1994. Formerly, such sections pertained to the board of adjustment and appeal and the land development board and derived from an ordinance adopted July 23, 1974; §§ 1--6 of an ordinance adopted Dec. 21, 1976; and an ordinance adopted Jan. 16, 1978. For current provisions regarding the board of adjustment and appeal, see § 16-29.

Secs. 16-6--16-19. Reserved.

ARTICLE II. PLANNING BOARD*

Sec. 16-20. Established.

The county planning board is hereby established under the authority granted in G.S. 160D-301 and G.S. 160D-102.

Sec. 16-21. Membership.

The board shall consist of seven (7) members appointed by the board of commissioners. Two (2) members shall be appointed for a term of one (1) year; and two (2) members shall be appointed for a term of two (2) years; and three (3) members shall be appointed for a term of three (3) years. Their successors shall be appointed for three-year terms. (Amend. of 11-28-94)

Sec. 16-22. Organization; rules; meetings; records; unexcused absences, conflict of interest.

- (a) The chair shall be appointed by the committee for a term of one (1) year. The vice-chair shall be elected by the planning board members and serve until his/her term expires.
- (b) The board may adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The board shall hold at least one (1) meeting monthly; all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action.
- (c) If an appointee has unexcused absences which constitute more than twenty-five (25) percent of the scheduled board meetings in any year in which he/she is required to attend, pursuant to his/her appointment, he/she is obligated to resign. Excused absences are defined as absences in which notification was made prior to the meeting to either the planner, chair or committee secretary.
- (d) All appointed members shall not vote on any developmental regulation or plan where there is a close familial, business, or other associational relationship. Or have a direct, substantial and readily identifiable financial impact on the member. (Chapter 160D- Article I, Section 9)

(Amend. of 11-28-94)

Sec. 16-23. Powers and duties--Generally.

- (a) The board may gather maps and aerial photographs, statistics on past trends and present conditions with respect to population, property values, the economic base, 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 area and its various parts.
- (b) It shall be the duty of the board, in general, to:
 - (1) Prepare and from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area;
 - (2) Recommend principles and policies for guiding development of the area;
 - (3) Prepare and recommend to the board of commissioner's ordinances promoting orderly development and comment on the consistency of recommendation to the comprehensive plan; (160D-501 d)
 - (4) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
 - (5) Keep the board of commissioners and the general public informed and advised as to these matters;
 - (6) To perform any other duties which may be lawfully assigned by the Board of Commissioners.
- (c) All county officials shall, upon request, furnish to the board such available records and information as it may require in its work. The board, or its agents, may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon. (Amend. of 11-28-94)

Sec. 16-24. Same--As to subdivision regulations.

The 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 commissioners its recommendations, if any, for adoption or revision of such regulations. (Amend. of 11-28-94)

Sec. 16-25. Same--As to other ordinances and regulations.

The board shall review the general statutes pertaining to planning legislation and, from time to time, recommend to the board of commissioners the adoption of appropriate ordinances, regulations, and codes, and the appointing of desirable commissions. (Amend. of 11-28-94)

Sec. 16-26. Same--Public hearings and interest.

- (a) The board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan or any other ordinance.
- (b) The 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) The board may, upon resolution of any governing board of municipalities within the county, extend its general study and interest and make reports and recommendations that are appropriate to facilities within the jurisdiction of such municipalities.
- (d) The board may, in its discretion, meet with and confer with any other planning board. (Amend. of 11-28-94)

Sec. 16-27. Same--Annual report of activities.

- (a) The board shall, in May of each year, submit in writing to the board of commissioners a written report of its activities. Interim reports will be made on request by the board of commissioners or as deemed necessary by the planning board.
- (b) The expenditures of the board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the board of commissioners, and no indebtedness for which the county shall be liable shall be contracted or incurred by the board unless an appropriation is made by the board of commissioners for such purpose, as authorized by law, and then only to the extent of such appropriation.

(Amend. of 11-28-94)

Sec. 16-28. Comprehensive plan, future revisions.

- (a) The comprehensive plan, with accompanying maps, plats, charts, and descriptive matter, shall identify the planning board's recommendations to the board of commissioners for the future development and growth of the county. These recommendations shall include goals and objectives for the conservation of the county's distinctive rural character and mountain heritage; conservation of the county's valuable land, water and air resources; plans for having the best possible roads for the county, along with the promotion of alternative transportation; provision for and/or coordination of reliable and safe drinking water, wastewater treatment, and solid waste collection and disposal; support of affordable, safe, and adequate housing for all residents; planning and provision of appropriate public facilities and services for residents and businesses; and promotion of the best use of land while protecting citizen's property rights.
- (b) The Planning Board shall review the Comprehensive Plan in April and shall submit to the Board of Commissioners for recommendation.
- (c) After the approval of the comprehensive plan the planning board comment on future recommendations to the board of commissioners as to the recommendations plan consistency with the comprehensive plan.

Sec. 16-29. Board of adjustment and appeal.

- (a) *Establishment.* The county planning board is hereby designated as the county board of adjustment and appeal.
- (b) *Appeals.* Appeals from any decision of the board of adjustment and appeal shall be directed to the chair of the board of commissioners. Notice of appeal must be made to the chair thirty (30) days after a decision has been rendered by the board of adjustment and appeal. After notification has been received, the board of commissioners shall hear the appeal within thirty (30) days.

(Amend. of 11-28-94)

Cross References: See editor's note, § 16-1 et seq.


State Law References: Authority to so designate, G.S. 160D-301.

Secs. 16-30--16-39. Reserved.

ATTEST:



Jason R. Chappell, Chairman
Transylvania County Board of Commissioners



Trisha Hogan
Clerk to the Board

