



Shallotte Planning Board Meeting (January 2025) Agenda

January 14, 2025 at 5:30 PM

Meeting Chambers – 110 Cheers Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA AMENDMENTS

PUBLIC COMMENT

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

[December](#) 10, 2024

3. CONFLICT OF INTEREST STATEMENT

[Town](#) of Shallotte Planning Board Conflict of Interest Statement

4. ACTION ITEMS

I. Swearing in of Board Members

a. Mr. Ron Johnson

b. Mr. Rich Gannaway

c. Mrs. Melodie Bryant

d. Mrs. Amanda Dunn (ETJ)

II. ELECTION OF PLANNING BOARD CHAIR & VICE CHAIRPERSONS

Members of the Board shall elect a Chair and Vice Chairperson

III. ELECTION OF BOARD OF ADJUSTMENT CHAIR & VICE CHAIRPERSONS

Members of the Board shall elect a Chair and Vice Chairperson

IV. Planning Board Training

Wes MacLeod - Cape Fear Council of Governments

V. ZONING TEXT AMENDMENT: TXT 25-01

Staff Initiated Text Amendment

ARTICLE 3, SECTION 3-2 & ARTICLE 3, SECTION 3-4 (H)

Reduction in Planning Board posts and removal of term limits for Chair and Vice Chair.

VI.ZONING TEXT AMENDMENT: TXT 25-02

Staff Initiated Text Amendment

ARTICLE 3, SECTION 3-15

Reduction in Board of Adjustment posts to align with Planning Board reduction.

5. OLD AND NEW BUSINESS

N) ADJOURN



The Shallotte Planning Board met for their regularly scheduled meeting on December 10, 2024, at the Shallotte Town Hall Meeting Chambers with Chairman Ron Johnson presiding.

Members Present: Carson Durham, Glenn Humbert, Richard Gannaway, Ron Johnson, Maria Paslick, Melodie Bryant, Amy Causey and Edward Springer.

Members Absent: None

Staff Present: Robert Waring, Brandon Eaton and Debra White

Aldermen Liaison: Absent

Public Comments: None

Agenda Amendment: None

- 1. Approval of Agenda:** Carson Durham motioned to approve the agenda, seconded by Edward Springer. The motion passed 8 yes, 0 no.
- 2. Approval of Minutes:** Maria Paslick motioned to approve the November 12, 2024 minutes as read, seconded by Carson Durham. The motion passed 8 yes, 0 no.
- 3. Conflict of Interest Statement**

The Chairperson ask the Board members if they have any potential conflict of interest with the items on the agenda per NCGS 160D-109.

There was no conflict of Interest.

- 4. Zoning Map Amendment REZ 24-29** The property owners have submitted a petition for rezoning of property located at 570 Forest St. Ext. (PID# 18200177). The property owner has requested that this parcel be zoned multi-family-14 (MF-14). The property is currently zoned Light Industrial (LI).

Action Taken:

Glenn Humbert motioned to recommend approval to Board of Aldermen of the Zoning Map Amendment REZ 24-29, rezoning of property located at 570 Forest St. Ext. (PID# 18200177) from LI to MF-14. Motion seconded by Melodie Bryant. The motion passed 8 yes 0 no.

Maria Paslick motioned that the Shallotte Planning Board adopt the Statement of Consistency as read, seconded by Amy Causey. The motion passed 8 yes, 0 no.

- 5. Zoning Map Amendment ANX 24-26** The property owners have submitted a petition for annexation & rezoning of property located at 190 Wildwood St. (PID# 197JB003). The property owner has requested that this parcel be zoned R-10. The property is currently zoned R-15.

Action Taken:

Maria Paslick motioned to recommend approval to Board of Aldermen of the Zoning Map Amendment ANX 24-26, rezoning of property located at 190 Wildwood St. (PID# 197JB003) from R-15 to R-10. Motion seconded by Carson Durham. The motion passed 8 yes 0 no.

Richard Gannaway motioned that the Shallotte Planning Board adopt the Statement of Consistency as drafted, seconded by Glenn Humbert. The motion passed 8 yes, 0 no.

- 6. Zoning Map Amendment REZ 24-12** The property owner has submitted a petition for rezoning of property along Holden Beach Rd. (PID #'s 1980001205, 1980001202, & 1980001204). The property owner has requested these parcels be zoned Business-2 (B-2). The property is currently zoned Residential Agricultural Manufactured Home District (RAM-15).

Action Taken:

Richard Gannaway motioned to recommend approval to Board of Aldermen of the Zoning Map Amendment REZ 24-12, rezoning of property along Holden Beach Rd. (PID #'s 1980001205, 1980001202, & 1980001204) from R-15 to R-10. Motion seconded by Carson Durham. The motion passed 8 yes 0 no.

Maria Paslick motioned that the Shallotte Planning Board adopt the Statement of Consistency as read, seconded by Glenn Humbert. The motion passed 8 yes, 0 no.

Old & New Business

- a. Monthly Planning Dept. Staff Report – No action required.
- b. 2025 Submittal Deadlines - No action required.

Adjournment

Melodie Bryant made a motion to adjourn, seconded by Glenn Humbert. The motion passed 8 yes 0 no.

Respectfully Submitted,

Debra White

Debra White,
Planning Board Clerk

Town of Shallotte Planning Board Conflict of Interest Statement

Taking into consideration the general statute below and the items described on this month's agenda, does any member of the Planning Board or staff have any potential conflicts of interest that should be addressed by the Board at this time? If so, please make those concerns known now.

§ 160D-109. Conflicts of interest.

(a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter 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 governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Planning Board Training for the Town of Shallotte

January 14, 2025

WES MACLEOD, AICP, ASLA

LOCAL GOVERNMENT SERVICES DIRECTOR

CAPE FEAR COUNCIL OF GOVERNMENTS

Legal Context

- Local governments are creatures of the state and have no inherent powers.
- In “home rule” states, local governments have broad authority - state legislatures have delegated any powers that do not conflict with the state or federal constitution.
- In “Dillon’s Rule” states, local governments only have those powers expressly granted to them by their legislatures.

Planning Board Basics

- Terminology: Planning Board a.k.a. Planning Commission, Zoning Board, Planning & Zoning Board, etc.
- A local government may establish a planning board in order to enact zoning powers (§ 160D-301)
- Three members minimum (§ 160D-301(a)(1)).
- All meetings are subject to open meetings requirements.
- Other details left up to discretion of local government:
 - Number of members (5 or 7 typically)
 - Non-resident participation
 - Qualifications
 - Terms, vacancies, attendance

Planning Board Authorities (NCGS § 160D-301(b))

1. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans 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.

Planning Board Authorities (NCGS § 160D-301(b))

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 provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
7. To perform any other related duties that the governing board may direct.

Types of Land Use Decisions

Legislative – Policy decisions including adoption, amendment, or repeal of regulations.

Examples: ordinance text amendment, zoning map amendment (rezoning), conditional zoning
Final decisions reserved for the governing board.

Advisory – Not final decisions, therefore, less regulated. Typically a function of the planning board and/or staff. Examples: recommendations on plans, text and map amendments, etc.

Administrative – Routine activities typically handled by professional staff, but sometimes by planning board or governing board. Examples: issuing permits, enforcement, application of non-discretionary standards (including most land subdivision).

Quasi-judicial – Formal actions where the decision makers apply discretion in applying existing policies to individual or special cases. Quasi-judicial (i.e. court-like) decisions use evidentiary hearings to gather facts and evidence and have very specific requirements.

Examples: special/conditional use permits, variances, and appeals. Decisions can be made by the governing board, planning board, or board of adjustment.

Local Approval Authorities

- **Land use ordinance Text Amendment and Zoning Map Amendment (incl. CZ)**
 - Planning Board recommendation to Governing Board for final approval (§160D-604(b))
 - Statement of plan consistency (and reasonableness) required (§160D-604(d) & 605(b))
 - Remember: Applicant has no right to an amendment. Board may deem ordinance/map appropriate.
- **Appeal or Variance**
 - Board of Adjustment (§160D-705(b) & (d))
- **Special Use Permit**
 - Governing Board, Planning Board, or **Board of Adjustment** (§160D-705(c))
- **Major Subdivision Preliminary and Final Plat**
 - Governing Board, Planning Board, or Board of Adjustment **if discretionary** (§160D-803(c))
 - If not discretionary, approve or deny based on adherence to objective standards
- **Minor Subdivision Plat**
 - Same as above, typically non-discretionary, administrative review by staff.

Text and Map Amendments

- All proposed amendments to a land use ordinance or the zoning map must be submitted to the planning board for review and comment.
- The planning board must provide a written recommendation addressing plan consistency, i.e. whether the proposed amendment is consistent with any adopted comprehensive plan or other adopted, applicable plan.
- The Aldermen are not bound by planning board recommendations.

Key Considerations: Text Amendments

- Is the amendment consistent with approved plans?
Written Plan Consistency Statement is Required!
- Does the amendment balance the development needs of the community with protection of neighborhoods, property values, natural resources, transportation and utility systems?
- How will the amendment affect existing development? Will it create nonconformities?
- How will the amendment affect future development? Will it appropriately allow or restrict development intensity?
- Should the change be universal or targeted to certain areas? Should the change be accomplished with a text amendment or map amendment?

Key Considerations: Map Amendments

- Is the amendment/rezoning consistent with approved plans?
 - What does the future land use map say?
 - Does the amendment further identified goals or objectives like protecting community character, separating incompatible uses, creating jobs?
 - **Written Plan Consistency Statement is Required!**
- What is the character of the surrounding area (zoning districts, current uses, environmental features)? What are the impacts to neighbors, infrastructure, traffic, stormwater, safety, property value, noise, etc.?
- Should the change be applied to one or more specific properties or to all properties in a district? If the latter, maybe a text amendment is more appropriate, like a change in permitted uses or an entirely new district.
- Consider all permissible uses

Key Considerations: Zoning General

- NOT appropriate to consider:
 - Applicant/occupant identity – i.e. race, gender, age, well-liked, local, national chain
 - Property ownership – i.e. owner-occupied or for rent
 - Occupancy – i.e. low-income vs. high-income occupants
 - Investment – whether the a project/use will be profitable
- **Property rights** – vesting may occur through formal process
- **Must approve certain development proposals** if all ordinance standards are met:
 - May include site plans, zoning change of use, sign permit, subdivision plat

Special Zoning Considerations

- Cell Towers (cannot exclude or regulate based on health)
- Signs (can regulate size, type, lighting, etc. but not content)
- Manufactured Housing (cannot exclude or regulate age/value)
- Single-Family/Duplex Housing (cannot regulate design, cannot impose moratorium to develop ordinances)

Key Considerations: Subdivision

- Unless approved by a quasi-judicial process, subdivision approval is administrative and should be based only on adherence to objective standards in the ordinance(s).
- Subdivision approval is not the time to decide whether a project is desired. Zoning determines what, where, and at what density development may locate. Subdivision is generally approved by right if it conforms to ordinance standards.
- Appropriate considerations (generally):
 - Water, sewer, stormwater/drainage, roads, open space and recreation, lot dimensions, easements, HOA/POA responsibilities, wetlands and floodplains, streetlights,
- Inappropriate considerations (generally):
 - Housing size, property values, characteristics of residents, neighborhood character, density, school capacity, plan consistency
- Conditions, if any, should be directly tied to satisfying ordinance requirements

Plat vs Site Plan (Generally)

Site Plan: A detailed map meeting the requirements of the zoning ordinance for the purposes established, usually development of a site or group of sites where land subdivision approval is not sought.

Plat: A map or plan prepared by a registered land surveyor for land registration (i.e. recording with the Register of Deeds)

Subdivision Plat: A plat prepared for the purpose of subdividing land.

Preliminary Plat, Final Plat, Minor Plat: NCGS gives zoning authorities the ability to define multiple subdivision approval categories. Preliminary and Final plats are typical for major subdivisions, Minor and Final plats are typical for minor subdivisions.

Conflict of Interest (§160D-109)

- *“(b) Appointed Boards. - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.”*
- *“(f) Familial Relationship. - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.”*
- Member must abstain from voting but may participate in the deliberations (although it is not advisable).

Open Meetings (NCGS § 143-318.9-18)

- “Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, **it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.**”
- Each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.
- “Official meeting” means a meeting, assembly, or gathering together at any time or place (including teleconference or other electronic conference) of a **majority** of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction of the public body.

Open Meetings (NCGS § 143-318.9-18)

- A social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting (unless called or held to evade the spirit and purposes of the law).
- Any person may challenge in superior court the validity of any action taken by a public body at a meeting in violation of the open meetings law.
- The open meetings law does not create a right to be heard, only a right to attend. Those who attend have no guaranteed right to speak unless guaranteed by local ordinance, policy, or guideline.

Public Records (NCGS § 132-1)

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, ***regardless of physical form or characteristics***, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.....

Questions?



WES MACLEOD, AICP, ASLA

Local Government Services Director

wmacleod@capefearcog.org

(910) 274-0352



Town of Shallotte Planning Board
ACTION AGENDA ITEM
2025

Section 4, Item V.

TO: Planning Board

ACTION ITEM #: TXT 25-01

FROM: Brandon Eaton, Planner II

MEETING DATE: 01-14-2025

**DATE
SUBMITTED:**

ISSUE/ACTION REQUESTED:

Request Planning Board’s review of a staff-initiated amendment to the Town of Shallotte Unified Development Ordinances. Specifically, Article 3, Section 3-2 & Article 3, Section 3-4 (H)

PUBLIC HEARING: YES NO

BACKGROUND/PURPOSE OF REQUEST:

The Town’s UDO currently sets the Planning Board post appointments at a total of nine (9) members, seven (7) of which are regular (Town residents) and two (2) of which are residents of the Town’s extra-territorial jurisdiction (ETJ).

With guidance from the Board of Aldermen, it is staff’s intention to reduce the number of members to seven (7) total members, consisting of six (6) Town resident members and one (1) ETJ member.

Staff feels these changes will better represent the composition of the Board in relation with the Town, and mitigate impacts from any potential future loss of the extra-territorial jurisdiction the Town no currently holds.

This amendment also removes the provision that the Chair and Vice Chairpersons may only serve limited terms.

- See attached “Exhibit A”

The Planning Board may vote to *recommend to*:

- Approve the ordinance as written, or
- Further amend the ordinance and vote to approve, or
- Continue the Board’s review and ask that the ordinance be further researched, or
- Deny the ordinance.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY FINANCE DIRECTOR	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY TOWN ATTORNEY: YES NO N/A

ADVISORY BOARD RECOMMENDATION:

TBD

STAFF RECOMMENDATION:

Staff recommends Planning Board approval

FINANCE RECOMMENDATION: NA

ATTACHMENTS:

1. Draft Language "Exhibit A"

2. Draft Statement of Consistency

<u>ACTION OF THE BOARD OF ALDERMEN</u>	
APPROVED: <input type="checkbox"/>	ATTEST: CLERK TO THE BOARD
DENIED: <input type="checkbox"/>	
DEFERRED UNTIL: _____	_____
OTHER:	SIGNATURE

CHAPTER TWO – ZONING ORDINANCE

ARTICLE 3. ADMINISTRATIVE MECHANISMS

PART I. PLANNING BOARD

Section 3-1: Purpose

The purpose of the Planning Board is to accomplish the following:

- (A) Make studies of the area within the Town's planning & zoning jurisdiction.
- (B) Determine objectives to be sought in the development of the Town.
- (C) Prepare and adopt plans for achieving these objectives.
- (D) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (E) Advise the Board of Aldermen concerning the use and amendment of means for carrying out plans.
- (F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Aldermen may direct.
- (G) Perform any other related duties that the Board of Aldermen may direct.
- (H) In addition to the above-referenced duties, the Planning Board shall also serve as and perform the duties of the Board of Adjustment. In serving as the Board of Adjustment, the Planning Board shall hear and decide requests for variances and appeals of decisions of administrative officials charged with enforcement of this ordinance. When sitting as the Board of Adjustment, the Planning Board shall follow quasi-judicial procedures when deciding appeals and requests for variances.
- (I) When acting as a Board of Adjustment, the Planning Board shall follow the procedures set forth in NCGS 160D-406 and NCGS 160D-705 and Section 3-15 of this ordinance. (Ord. 21-16, 8/03/21)

Section 3-2: Membership and Vacancies; Terms of Office and Posts

Membership and Vacancies. The Planning Board shall consist of ~~nine (9)~~ seven (7) regular members. ~~Seven (7)~~ Six (6) regular members shall be citizens and residents of the Town and shall be appointed by the Board of Aldermen. ~~Two (2)~~ One (1) regular members shall be a citizens and residents of the extraterritorial jurisdiction of the Town as described in NCGS 160D-202 and shall be appointed by the County Board of Commissioners for proportional representation based on population. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. (Ord. 12-08, 5/1/12; Ord. 16-06, 3/1/16; Ord. 21-16, 8/03/21)

Terms of Office and Posts. The following post numbers, residency requirements, and appointment effective dates shall be assigned to each of the ~~nine (9)~~ seven (7) Planning Board member positions:

- ~~Post 1: Regular member/Town resident/1st Tuesday of January, odd years;~~
- ~~Post 2: Regular member/Town resident/1st Tuesday of January, even years;~~
- ~~Post 3: Regular member/Town resident /1st Tuesday of January, odd years;~~
- ~~Post 4: Regular member/Town resident/1st Tuesday of January, even years;~~
- ~~Post 5: Regular member/Town resident/1st Tuesday of January, odd years;~~
- ~~Post 6: Regular member/Town resident/1st of January, even years; and,~~
- ~~Post 6 7: Regular member/ETJ resident/1st Tuesday of January, even years;~~
- ~~Post 7: Regular member/ETJ resident/1st Tuesday of January, odd years.~~
- ~~Post 8: Regular member/Town resident/1st of January, even years;~~
- ~~Post 9: Regular member/Town resident/1st of January, even years.~~

<u>Appointed Member Type</u>	<u>Appointment Effective Date:</u>
<u>Post 1: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 2: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 3: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 4: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 5: Regular member/Town resident</u>	<u>1st Tuesday of January, odd years</u>
<u>Post 6: Regular member/Town resident</u>	<u>1st Tuesday of January, even years</u>
<u>Post 7: Regular member/ETJ resident</u>	<u>1st Tuesday of January, even years</u>

(Ord. 16-06, 3/1/16; Ord. 20-03, 2/4/20)

Appointments. ~~The members of the Planning Board serving on the effective date of this ordinance, under the ordinance effective prior hereto, shall be considered as the seven (7) members appointed by the Board of Aldermen, and each of these members shall serve the balance of the term to which he or she was appointed. The two (2) regular extraterritorial-jurisdiction members of the Planning Board shall serve the balance of the term to which he or she was appointed. Successors Planning Board members shall be appointed for terms of (3) years in accordance with their post. Members in length and shall be eligible for reappointment in accordance with the table above.~~ (Ord. 20-05, 7/7/20)

Compensation. Planning Board members shall receive a monthly stipend to offset expenses as may be determined by the Board of Aldermen. The initial monthly expense stipend shall be \$45 per month per member and this amount may be increased by the Board of Aldermen by approved resolution or motion; however, the salary shall not be reduced except by adoption of an ordinance. Monthly expense reports shall not be required to be filed by the Planning Board members to collect this monthly expense stipend. (Ord. 05-10, 11/05; Ord. 11-06, 3/1/11; Ord. 12-08, 5/1/12)

(Ord. 05-10, 11/05; Ord. 11-06, 3/1/11; Ord. 12-07, 4/3/12)

Section 3-3: Rules of Conduct

Members of the Board serve at the pleasure of the Board of Aldermen and may be removed for cause, including, but not limited to, violation of the Rules of Conduct stated below, or for other cause:

- (A) Faithful attendance at all meetings of the Board and conscientious performance of the

duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. Absence from twenty-five percent (25%) or more of the Planning Board's meetings within one year shall be considered cause for removal by the Board of Aldermen.

- (B) A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (Ord. 21-16, 8/03/21)

Section 3-4: Meetings

- (H) Organization. The Board shall elect a chairperson and vice-chairperson from among its members at its first Regular Board meeting in January each year, or as soon thereafter as is reasonably possible. The term of the chairperson and vice-chairperson shall expire on the first Monday of each January, unless such presiding officer(s) shall resign, be removed, or otherwise become unable or ineligible to serve on the Board or as presiding officer. In such event, a new chairperson or vice-chairperson shall be elected by the Board from among its members at the next Regular Board meeting. The chairperson and vice-chairperson shall be eligible for reelection ~~but in no instance may serve for more than three (3) consecutive terms in either position~~. The chairperson shall act as the presiding officer at all Board meetings and, in his or her absence, the vice-chairperson shall act as the presiding officer for the meeting in question. Should neither the chairperson nor the vice-chairperson be present at a board meeting, then the planning board members present at the meeting shall vote on a presiding officer to serve at that meeting or until the chairperson or vice-chairperson arrive to the meeting. The Board shall operate its meetings generally under Robert's Rules of Order, latest edition; however, failure to precisely follow the format of Robert's Rules of Order shall not invalidate any action taken at a Board meeting. Such rules may be modified upon approval of the Board of Aldermen. All meetings of the Board shall be open to the public and all records of the Board shall be a public record as set forth in the General Statutes of North Carolina including exceptions.

PLANNING BOARD STATEMENT OF CONSISTENCY

The Town of *Shallotte Planning Board* has reviewed and *recommended* **approval/denial** the following amendment of the Town of Shallotte Unified Development Ordinance (UDO).

ORDINANCE 25-01

AN ORDINANCE AMENDING THE TOWN OF SHALLOTTE UNIFIED DEVELOPMENT ORDINANCE, SPECIFICALLY ARTICLE 3, SECTION 3-2 & ARTICLE 3, SECTION 3-4 (H)

After review of the ordinance, staff report, and after consideration of any comments presented at the *Planning Board* meeting, the *Planning Board* hereby find the UDO amendment referenced above to be:

- Consistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND is reasonable and in the public interest for the reason(s) stated below.

The proposed amendment will update the Town’s Unified Development Ordinance to reduce the number of Planning Board posts from nine to seven. The proposed amendment would also remove language limiting chair and vice chairpersons to term limits.

OR

- Inconsistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND YET is considered reasonable and in the public interest for the reason(s) set forth below.

OR

- Neither consistent nor inconsistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND is considered reasonable and in the public interest for the reason(s) set below:

Date

Planning Board Chairman
Town of Shallotte



Town of Shallotte Planning Board
ACTION AGENDA ITEM
2025

TO: Planning Board

ACTION ITEM #: TXT 25-02

FROM: Brandon Eaton, Planner II

MEETING DATE: 01-14-2025

**DATE
SUBMITTED:**

ISSUE/ACTION REQUESTED:

Request Planning Board’s review of a staff-initiated amendment to the Town of Shallotte Unified Development Ordinances. Specifically, Article 3, Section 3-15

PUBLIC HEARING: YES NO

BACKGROUND/PURPOSE OF REQUEST:

The Town’s UDO currently sets the Board of Adjustment post appointments at a total of nine (9) members, five (5) regular members and four (4) alternates.

With guidance from the Board of Aldermen, it is staff’s intention to reduce the number of members to seven (7) total members, consisting of five (5) regular members and two (2) alternates.

Staff feels these changes will meet the needs of the Board of Adjustment while matching the reduction in Planning Board members.

- See attached “Exhibit A”

The Planning Board may vote to *recommend to*:

- Approve the ordinance as written, or
- Further amend the ordinance and vote to approve, or
- Continue the Board’s review and ask that the ordinance be further researched, or
- Deny the ordinance.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY FINANCE DIRECTOR	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY TOWN ATTORNEY: YES NO N/A

ADVISORY BOARD RECOMMENDATION:

TBD

STAFF RECOMMENDATION:

Staff recommends Planning Board approval

FINANCE RECOMMENDATION: NA

ATTACHMENTS:

- 1. Draft Language “Exhibit A”

- 2. Draft Statement of Consistency

<u>ACTION OF THE BOARD OF ALDERMEN</u>		
APPROVED: <input type="checkbox"/>	ATTEST:	CLERK TO THE BOARD
DENIED: <input type="checkbox"/>		
DEFERRED UNTIL: _____	_____	
OTHER:	SIGNATURE	

PART II. BOARD OF ADJUSTMENT

Section 3-15: Creating the Zoning Board of Adjustment

(A) A Town Board of Adjustment is hereby created under the authority of the NCGS 160D-302. (Ord. 21-16, 8/03/21)

(B) The Board of Adjustment (hereinafter called the Board) shall be created as provided in Section 3-2. The Board of Adjustment membership and appointments shall be in accordance with those provided for the creation of the Planning Board.

(C) The Board shall consist of five (5) regular members and ~~four (4)~~ two (2) alternate members. The Board shall determine which members will serve as regular and which will serve as alternate members on an annual basis.

(Ord. 10-08, 6/1/10; Ord. 12-04; Ord. 16-06, 3/1/16; Ord. 20-05, 7/7/20; Ord. 24-02, 4/2/24; Ord. 24-10, 5/23/24)

Section 3-15: Meetings

The Board shall elect one of its members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Town Administrator or designee shall serve as secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

PLANNING BOARD STATEMENT OF CONSISTENCY

The Town of *Shallotte Planning Board* has reviewed and *recommended* **approval/denial** the following amendment of the Town of Shallotte Unified Development Ordinance (UDO).

ORDINANCE 25-02

AN ORDINANCE AMENDING THE TOWN OF SHALLOTTE UNIFIED DEVELOPMENT ORDINANCE, SPECIFICALLY ARTICLE 3, SECTION 3-15

After review of the ordinance, staff report, and after consideration of any comments presented at the *Planning Board* meeting, the *Planning Board* hereby find the UDO amendment referenced above to be:

- Consistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND is reasonable and in the public interest for the reason(s) stated below.

The proposed amendment will update the Town’s Unified Development Ordinance to reduce the number of Board of Adjustment posts from nine to seven.

OR

- Inconsistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND YET is considered reasonable and in the public interest for the reason(s) set forth below.

OR

- Neither consistent nor inconsistent with the Town of Shallotte 2018 Land Use Plan and any other officially adopted plan that is applicable, AND is considered reasonable and in the public interest for the reason(s) set below:

Date

Planning Board Chairman
Town of Shallotte