

Section 9.02 Town of Holly Springs Planning Board

A. Establishment.

The Town of Holly Springs *Planning Board* is hereby re-established in accordance with GS § 160A-361.

B. Membership, Term and Vacancies.

The *Planning Board* shall consist of eight (8) members, seven (7) of whom shall be citizens living within the corporate limits of the Town of Holly Springs and one (1) whom shall be a citizen not living with the Town's corporate limit, but living within the Town's extraterritorial jurisdiction.

The members from within the corporate limits shall be appointed by the *Town Council* of the Town of Holly Springs to three-year staggered terms. The adoption of this UDO shall not nullify the previous appointments of members from within the corporate limits and the terms of such members from within the corporate limits shall continue unabated until their normal expiration dates. *[Amended Ordinance #04-19]

The initial appointments of members from within the corporate limits were made according to the following terms:

- Two (2) members appointed for a term of one (1) year.
- Two (2) members appointed for a term of two (2) years.
- Three (3) members appointed for a term of three (3) years.
- Successors were appointed for terms of three (3) years.

The extraterritorial member shall be appointed by the Wake County Board of Commissioners in accordance with North Carolina General Statutes 160A-362. If the Wake County Town Council fails to appoint the extra-territorial members within ninety (90) days after receiving a resolution from the Town of Holly Springs *Town Council* requesting that the appointments from the extra-territorial jurisdiction be made, the Town of Holly Springs *Town Council* may make such appointments. *[Amended Ordinance #04-19]

Terms for members from within the corporate limits and extraterritorial members shall expire on the 31st day of December. All members shall serve until the expiration of their terms or until their successors have been appointed.

Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the *Town Council* of the Town of Holly Springs for members from within the corporate limits and by the Wake County Board of Commissioners for the extraterritorial members. *[Amended Ordinance #04-19]

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Faithful attendance at the meetings of the *Planning Board* is considered a prerequisite for the maintenance of membership on the *Planning Board*. Unexcused absence from three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the *Planning Board*.

Members of the *Planning Board* shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. [Added Ordinance #06-07]*

C. Duties and Powers.

It shall be the function and duty of the *Planning Board* to make comprehensive surveys and studies of existing conditions and probable future developments and prepare such plans for physical, social and economic development as will best promote the public health, safety, morals, conveniences or the general welfare as well as efficiency and economy in the development of the Town of Holly Springs. The *Planning Board* is hereby vested with the duties and powers imposed upon and granted to a planning agency pursuant to GS § 160A-388 and GS § 160A-361, including, without limitation, the powers and duties listed below. To effectuate the purposes of this UDO, the *Planning Board* may, to the fullest extent permitted by Section 9.09 – Decision Matrix of this UDO, other provisions of this UDO, and applicable laws:

1. Review and make recommendations to *Town Council* of Studies and plans; [Amended Ordinance #04-14]
2. Review and make recommendations to *Town Council* on objectives to be sought in the development of study areas; [Amended Ordinance #04-14]
3. Recommend, review, and make recommendations to *Town Council* regarding policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner: [Amended Ordinance #04-14]
4. Perform any other related duties that the *Town Council* of the Town of Holly Springs may direct; [Amended Ordinance #04-14 & #04-19]
5. Conduct or attend such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of a comprehensive plan for the Town of Holly Springs; [Amended Ordinance #04-14]
6. Promote public interest in and an understanding of its recommendations, and to that end, the *Planning Board* may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may deem necessary. [Amended Ordinance #04-14]

7. The *Planning Board* shall have no power to incur any debt or obligation of the Town of Holly Springs nor shall the *Planning Board* have any power to make any expenditure of funds of the Town of Holly Springs unless such funds are specifically provided for in the budget of the Town of Holly Springs and appropriation made for such purposes by the *Town Council* of the Town of Holly Springs or unless the incurring of such other obligation is otherwise approved by the *Town Council* of the Town of Holly Springs. [Amended Ordinance #04-14]
8. Make recommendations to the *Town Council* or render decisions concerning *preliminary plans* or *master plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14]
9. Make recommendations to the *Town Council* or render decisions concerning *development plans* for Architectural and Site Design or *development incentives* and amendments to such *development plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14]
10. Make recommendations to the *Town Council* or render decisions concerning *waivers* requested in connection with *development plans* for Architectural and Site Design or *development incentives* and amendments to such *development plans* to the extent permitted by Section 9.09 – Decision Matrix of this UDO. [Amended Ordinance #04-14]
11. Make recommendations to the *Town Council* or render decisions concerning *special exception uses* by a concurring vote equal to not less than a majority of the members of the *Planning Board* when sitting as a *Board of Adjustment*, requested in connection with a *development plan* for *development options* pursuant to this UDO to the extent permitted by Section 9.09 – Decision Matrix of this UDO. Pursuant to NCGS §160A-388(c), vacant positions on the *Planning Board* and members who are disqualified from voting on a quasi-judicial matter shall not be considered ‘members of the board’ for calculation of the requisite majority. [Amended Ordinance #06-07]*
12. Make recommendations to the *Town Council* concerning zone map change petitions. Pursuant to NCGS §160A-383 the *Planning Board* shall advise and comment on whether the proposed amendment is consistent with the *Comprehensive Plan* or any other officially adopted plans that is applicable. The *Planning Board* shall provide a written recommendation to the *Town Council* that addresses plan consistency and other matters deemed appropriate by the *Planning Board*, but a comment by the *Planning Board* that a proposed amendment is inconsistent with the *Comprehensive Plan* shall not preclude consideration or approval of the proposed amendment by the *Town Council*. [Added Ordinance #06-07]*

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13. Pursuant to GS § 160A-388 and GS § 160A-361, the *Planning Board* is hereby designated as a planning agency for the Town of Holly Springs and its extra-territorial jurisdiction which shall have the authority of the *Board of Adjustment* to:
 - a. Recommend, grant, grant with conditions, or deny *waivers* of any Architectural and Site Design Requirements of Section 2.06, C. – Architectural and Site Design Review in the R-MF-8 *District*, Section 2.07, D. – Architectural and Site Design Review in the R-MF-15 *District*, Section 3.08 – Architectural and Site Design Requirements for Commercial / Mixed Use Districts and Section 4.05 – Architectural and Site Design Requirements for Industrial Districts of this UDO, in compliance with the guidelines contained within each referenced Section, in connection with the review and determination of any *development plan* for Architectural and Site Design Review to the extent permitted by Section 9.09 – Decision Matrix of this UDO;
 - b. Recommend, grant, grant with conditions, or deny *waivers* of any *development requirement* of Section 2.09 – Development Incentives for Residential Districts of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *development plan* for *development incentives* to the extent permitted by Section 9.09 – Decision Matrix of this UDO;
 - c. Recommend, grant, grant with conditions, or deny *waivers* of any of the regulations contained in Section 7.03 – Sign Regulations of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *Master Sign Plan* filled as part of any *development plan* for Architectural and Site Design Review to the extent permitted by Section 9.09 – Decision Matrix of this UDO; and,
 - d. Recommend, grant, grant with conditions, or deny *waivers* of any additional *development standards* of Section 6 – Additional General Use Districts & Overlay Districts of this UDO, in compliance with the guidelines contained within such Section, in connection with the review and determination of any *development petition* otherwise required for development to the extent permitted by Section 9.09 – Decision Matrix of this UDO; and,
14. Exercise all powers conferred on it by North Carolina law, local ordinance, or rule in the manner so prescribed.

This Section shall not be construed as a limitation on the powers enumerated herein or in GS § 160A-361.

D. Organization, Rules, Meetings and Records.

The *Planning Board* shall elect a chairman and may create and fill such other offices as it may deem necessary. The term of officers shall be one (1) year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the *Planning Board*. The *Planning Board* shall adopt rules of 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 *Planning Board* shall hold at least one (1) meeting monthly unless there is no business to be discussed or acted upon, and all of its meetings shall be in accordance with G.S. § 143 – 318.9 through G.S. § 143 – 318.18. A quorum shall consist of a majority of the entire membership for the purpose of taking any official action required by this UDO. All members of entire *Planning Board* shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the *Planning Board* shall declare such interest prior to a vote of the *Planning Board* on the question, and shall abstain from voting on the question. This provision shall not prohibit such members from participation in discussions of the *Planning Board* on such matters prior to a vote. Unless otherwise specified in Section 9.02, C., above, any action of the *Planning Board* is not official, unless authorized by a majority vote of the entire membership of the *Planning Board*.

E. Compensation.

All members of the *Planning Board* shall serve as such without compensation. Members of the *Planning Board* may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation with reasonable traveling expenses incidental to such attendance paid from the Department of Planning and Zoning's budget and with concurrence of the *Town Council* of the Town of Holly Springs. [Amended Ordinance #04-19]

F. Annual Report

The Department of Planning and Zoning shall, annually, submit to the *Town Council* of the Town of Holly Springs a written report of the *Planning Board's* activities. The *Planning Board* is authorized to appoint such committees as the *Planning Board* may see fit, subject to limitations by the *Town Council* of the Town of Holly Springs. [Amended Ordinance #04-14]