

**AN ORDINANCE AMENDING THE PLANNING BOARD DESCRIPTION AND  
DUTIES FOR THE TOWN OF DUCK, NORTH CAROLINA**

**Ordinance 23-07**

**WHEREAS**, during their recent appointment of new Planning Board members, the Duck Town Council recognized the need to update the existing by-laws of the Planning Board; and

**WHEREAS**, following the Council's direction, staff reviewed the existing Planning Board by-laws and Sections 30.35 through 30.40 of the Duck Town Code, *Planning Board*, and prepared the following amendments; and

**WHEREAS**, these amendments update and move many of the Planning Board's organizing principles from the by-laws to the Town Code, leaving primarily procedural matters in a Rules of Procedure document for the Board members; and

**WHEREAS**, these amendments serve a significant public purpose by providing a more comprehensive description of the Planning Board and its duties in the Town Code, making this knowledge more publicly accessible to potential Planning Board applicants, persons submitting development applications and the general public.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Duck Town Council of the Town of Duck, North Carolina, as follows:

**PART 1.** Sections 30.35 through 30.40 of the Duck Code of Ordinances are hereby amended and restated in their entirety as follows (with additions and deletions indicated in red):

***PLANNING BOARD***

**30.35 ESTABLISHED; JURISDICTION.**

There is hereby established a board known as the Duck Planning Board, hereinafter referred to as the Planning Board, whose jurisdiction shall include the area within the corporate limits of the town.

**30.36 PURPOSE.**

The Planning Board shall serve primarily in an advisory capacity to the Town Council in order to assist in matters of public health, safety, convenience and welfare of the citizens. To this end, the Planning Board will advise the Town Council on plans for the future development of the Town so that residential areas may be provided with healthy surroundings, so that the needs and rights of businesses and individual property owners may be recognized, and so that transportation systems, recreational facilities and land use in the Town may develop in an efficient manner for the benefit of all.

**30.37 COMPOSITION; TERMS; VACANCIES; ATTENDANCE OF MEMBERS.**

(A) The Planning Board shall be composed of 5 members, who shall be real property owners of the Town.

(B) The members shall be appointed by the Town Council for terms of 3 years staggered per the initial appointment of the board. Board members shall be eligible for reappointment for additional terms.

(C) Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board.

(D) Prior to engaging in the duties prescribed below, all appointed Board members shall qualify for service by completing an Oath of Office.

(E) The members may be compensated at a rate approved by the Town Council.

### **30.38 OFFICERS; RULES; RECORDS; QUORUM.**

(A) Officers. The Planning Board shall elect a Chair and Vice-Chair who shall fulfill the duties described below. The Director of Community Development or his/her designee shall serve as the Secretary.

(B) Election of Officers. On the first regular meeting after May 1 of each year, nominations of officers (Chair and Vice-Chair) shall be made from the floor by Planning Board members and elections shall follow immediately thereafter. Members receiving the majority vote of the Board for the above offices shall serve one (1) year or until their successors take office. A vacancy in either office shall be filled immediately by regular election procedures for the unexpired term of the office vacated. Officers shall be eligible for reelection.

(C) Duties of the Chair. The Chair shall preside at all meetings of the Planning Board and shall have the duties normally conferred by parliamentary procedures of such officers. To fulfill these duties, the Chair shall take whatever action is necessary to provide a full opportunity for public comments; focus comments and discussion on issues directly related to the item being considered; ensure polite and orderly proceedings; and otherwise promote the efficient and effective disposition of matters before the Board. Such actions may include limiting the time allotted to speakers, interrupting personal attacks or digressions into immaterial issues, and ordering an end to disorderly conduct. The Chair shall decide all points of order and procedure subject to Roberts Rules of Order.

(D) Duties of the Vice Chair. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. When serving in that capacity, the Vice Chair shall have the same powers and duties as the Chair.

(E) Absence of Chair and Vice Chair. Should both the Chair and the Vice Chair be absent at any meeting, the Chair shall appoint a temporary chair to serve at that meeting.

(F) Duties of the Secretary. The Secretary shall keep the minutes and records of the Planning Board for regular and special meetings; conduct all correspondence of the Board and act as custodian of all Board records; arrange for all public notices required to be given; notify Board members and interested parties of pending meetings and their agenda; and supervise the clerical work of the Board.

(G) The Planning Board shall adopt rules for transaction of its resolutions, discussions, findings, and recommendations.

(H) Meetings. The Planning Board shall schedule at least 1 meeting monthly, and all of its meetings shall be open to the public.

(I) Quorum. There shall be a quorum of at least 3 members for the purpose of taking any official action required by this subchapter.

(J) The Planning Board shall keep the Council and the general public informed and advised as to these matters.

### **30.39 MEETINGS.**

(A) The Planning Board shall schedule at least 1 meeting monthly, and all of its meetings shall be open to the public. Additional meetings may be scheduled, on an as-needed basis, and such meetings shall be special meetings of the Board.

(B) Meeting Cancellation. The Chair may cancel or reschedule a scheduled regular meeting on determining that there will be no business for the Board to consider at the meeting, or that so many members have indicated their probable absence at the meeting that a quorum will not be present. If a meeting is cancelled, the Secretary shall notify all Board members about the cancellation as soon as practicable.

(C) The Secretary shall ensure that each member of the Board is provided a written notice prior to each meeting. Such notice shall include the meeting agenda and all pertinent staff reports. If the Board recesses a regular or special meeting for which proper notice was given, after the Chair has announced in open session the time and place at which the meeting will be continued, no further notice need be given for the continued meeting.

### **30.40 POWERS AND DUTIES.**

At the direction of the Town Council, the Planning Board is authorized to:

(A) Prepare plans and to coordinate the plans of the Town with plans of others so as to bring about the orderly and harmonious development of the area.

(B) From time to time, review and recommend revisions to a land use plan as required by the North Carolina Coastal Area Management Act.

(C) Determine whether specific development proposals conform to the principles and requirements of the Town Code and comprehensive plan for the area and to make recommendations concerning them.

(D) Review and make recommendations to the Town Council on requests for rezoning; conformance with the Land Use Plan; and amendments to the zoning, subdivision regulations, and other land use regulations.

(E) Prepare and recommend ordinances promoting orderly development of the area or amendment of the zoning, subdivision, and other land development regulations based upon its studies and consistency with the comprehensive plan.

(F) Conduct special studies or perform any other duties which may lawfully be assigned to it by the Town Council.

(G) Acquire whatever information and knowledge is necessary to make fully informed and legally sound decisions and recommendations in the interest of the Town. To that end, members are encouraged to expand their knowledge and understanding of planning issues through training opportunities.

(H) Appoint subcommittees as needed to research or review issues requiring more detailed analysis.


(I) Keep the Town Council and the general public informed and advised as to matters considered by the Board.

(J) Motions and Voting. The privilege of making motions, substitute motions, amendments to motions and voting on all official acts of the Board shall reside in the members only. A voice vote shall be recorded on all official acts of the Board.

**PART 2.** This ordinance shall be effective upon its adoption.

  
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Don Kingston, Mayor

ATTEST:

  
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Lori Ackerman, Town Clerk

Date adopted: September 6, 2023

Motion to adopt by: Monica Thibodeau

Vote: 5 AYES 0 NAYS

