



P.O. Box 2430
Indian Trail, North Carolina 28079

PLANNING AND ZONING BOARD BY-LAWS

ARTICLE I Establishment

1. The Indian Trail Planning and Zoning Board, having been created by the Indian Trail Town Council "Council," shall be hereafter referred to as the "Planning and Zoning Board."
2. The Planning and Zoning Board shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulation (i.e., Chapter 143, Article 33C of the North Carolina General Statutes).

ARTICLE II Duties and Powers

1. The primary objective of the Planning and Zoning Board is to develop and maintain a continuing cooperative planning program to benefit the residents and businesses of the Town of Indian Trail.
2. The purposes of the Planning and Zoning Board are as follows.
 - a. To provide guidance studies of the Town and its surrounding areas;
 - b. To assist in the development and/or recommendation of policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - c. To keep Council and the general public informed and advised regarding planning, growth, and development related trends and issues;
 - d. To review and make recommendations to Council regarding proposed changes to Indian Trail Unified Development Ordinance (UDO) and zoning map;
 - e. To review and make recommendations to Council regarding the Land Use Plan;
 - f. To elect officers from its membership; and
 - g. To perform any other related duties contained in the UDO or as directed by Council.

ARTICLE III Appointment and Terms

1. The Planning and Zoning Board shall consist of seven (7) regular members and no alternates, all of whom are required to be residents of the Town of Indian Trail during their terms of service, and who have been duly appointed by Council.

2. All Regular Planning and Zoning Board members shall be appointed for a three (3)-year terms and shall be staggered. The new Seats added, Seats 6 & 7, will be initially staggered in relation to the existing seats but will be re-appointed for three-year terms. Terms will expire on June 30 of each year. Terms are as follows:

Existing Seats

Seats 1, 5	Term Ending June 30, 2021
Seats 3	Term Ending June 30, 2022
Seat 4	Term Ending June 30, 2022
Seat 2	Term Ending June 30, 2023

Seats Added

Seat 6	Term Ending June 30, 2022
Seat 7	Term Ending June 30, 2023

At term expiration, all seats shall be renewed for a period of three (3) years.

3. If a vacancy on the Planning and Zoning Board occurs, by reason of death, resignation, change of residence, Council removal, or any other cause, the seat shall be filled by Council in an expeditious manner for the duration of the unexpired term.
4. The Town Clerk shall be responsible for maintaining a current list of Planning and Zoning Board members, including the effective date of their appointment and expiration date of their term. The Clerk shall keep Council informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.
5. In light of the complex and specialized nature of the Planning and Zoning Board's area of responsibilities, preference on appointment to the Planning and Zoning Board will be given to individuals with a professional background in one of the following fields: real estate, law, municipal planning or administration, construction, engineering, land surveying, landscape architecture and architecture.

**ARTICLE IV
Alternate Members**

1. The Planning and Zoning Board will not have alternates.

**ARTICLE V
Election of Officers**

1. A Chair and Vice-Chair shall be elected by the regular Planning and Zoning Board members. Each officer shall serve for a one-year term but may be elected by the Planning and Zoning Board membership for successive terms to the same office. Annually, in the first regular meeting of the Planning and Zoning Board held in July, a Chair and Vice-Chair shall be elected. Each Officer shall serve from July 1 until June 30, for as long as they are re-appointed by members, or until relieved of duties as herein provided.

2. The Chair shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning and Zoning Board during open session. The Vice-Chair shall serve as acting Chair in the absence of the Chair, and at such times, he/she shall have the same powers and duties as the Chair.
3. In the event of the absence of both the Chair and the Vice-Chair from a Planning and Zoning Board meeting, the members may elect a temporary Chair for that meeting and proceed with the order of business.

ARTICLE VI
Secretarial Services

1. The Town Council shall appoint to have secretarial duties performed for the Planning and Zoning Board. Said person(s) (hereafter referred to as the "Secretary"), subject to the direction of the Chair, shall take minutes and keep all records. Minutes related to the Planning and Zoning Board in quasi-judicial proceedings shall be adequately noted separate from non-quasi-judicial proceedings. The Secretary shall keep in a permanent volume the minutes of every meeting of the Planning and Zoning Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Planning and Zoning Board, and all votes of members of the Planning and Zoning Board upon any resolution or upon the final determination of any question, indicating the names resolution or upon the final determination of any question, indicating the names of member absent. The Planning and Zoning Board minutes shall be kept at Indian Trail Town Hall and shall be available for inspection during normal working hours. An electronic copy of the Minutes and formal documentation incorporated as part of the Minutes shall be forwarded to the Town Clerk for permanent electronic storage.

ARTICLE VII
Rules of Conduct for Members

1. Members of the Planning and Zoning Board may be removed by Council for cause, including violation of the rules stated below herein.
2. In order for the Planning and Zoning Board to carry out its duties and responsibilities, it is necessary for all members to attend Planning and Zoning Board meetings.

Any Member may be removed by Council from the Planning and Zoning Board for the following reasons:

- a. A Member is absent for three consecutive regular meetings,
- b. A Member fails to attend a minimum of thirty percent of meetings within a twelve-month period, or
- c. The Planning and Zoning Board Chair makes a recommendation in writing (via e-mail under their account) to Council regarding the removal of a Member for duly cited causes.

Should a Member be removed from the Planning and Zoning Board, a replacement shall be recommended to the Town Council by the Planning and Zoning Board Chair for appointment by Town Council for the remainder of the term.

3. A member shall be excused from voting on a particular issue by a majority vote of the remaining regular members present under the following circumstances, if the:
 - a. Member has a direct, substantial, and readily identifiable financial interest or impact in the outcome of the matter at hand; or
 - b. Member has a close familial¹, business, or other associational relationship with the landowner of a property subject to a rezoning petition or the applicant for a text amendment; or
 - c. Matter at hand involves the member's own official conduct; or
 - d. Member has such close personal ties to the applicant that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

4. Conflicts of Interest in Quasi-Judicial Proceedings – A Planning and Zoning Board member exercising quasi-judicial functions pursuant to this set of by-laws and the Town of Indian Trail Unified Development Ordinance (UDO) 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 the following:
 - a. Undisclosed ex parte communications;
 - b. A close familial, business, or other associational relationship with an affected person; or
 - c. A financial interest in the outcome of the matter; or
 - d. A member having a fixed opinion prior to hearing the matter that is not susceptible to change.

5. If a Planning and Zoning Board member determines that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining regular members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he/she shall seat him/herself in the audience and not participate in any further discussion on said matter or he/she shall remove him/herself from the meeting room during all deliberation pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

6. A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Planning and Zoning Board. Such a challenge may be an appeal for a review of the findings of the Planning and Zoning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning and Zoning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning and Zoning Board. The Planning and Zoning Board shall hear all evidence and shall, by majority vote of the remaining regular members, make the final determination as to the existence of a conflict of interest.

7. In the event a Planning and Zoning Board member is found to have a conflict of interest and is excused from voting by the Planning and Zoning Board, he/she shall not be required to vote and shall not be counted. Challenges may not be presented to the Planning and Zoning Board for

¹ Note that a Familial Relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (G.S. 160D-109(f))

potential conflicts of interest after the subject matter involving the potential conflict of interest has been heard and voted on by the Planning and Zoning Board.

8. Discussion of Quasi-Jurisdictional Proceedings Cases – Board members shall refrain from discussing upcoming matters of quasi-judicial business with any parties, including other Planning and Zoning Board members, prior to the meeting at which such items are to be publicly discussed; provided however, that members may receive and/or seek general technical information pertaining to the case from the Secretary, Town Manager, Town Attorney or Planning Director prior to the Planning and Zoning Board quasi-judicial meeting at which the case is to be heard. The Planning and Zoning Board also has the discretion to call forth any witnesses for a particular case by subpoena power, if necessary.

ARTICLE VIII Meetings

1. Regular meetings of the Planning and Zoning Board shall be held on the third Tuesday of each month at 6:00 pm at the Indian Trail Town Hall, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chair ~~man~~ in advance of the meeting. Each member shall receive an agenda packet for each meeting by mail or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting and on the Town's website.
2. Special meetings of the Planning and Zoning Board may only be called by the Chair or the Planning Director. At least forty-eight (48) -hour- notice of the time and place of special meetings shall be given, by the Secretary, to each member of the Planning and Zoning Board. Notice of such meeting shall also be placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting and on the Town's website.
3. Whenever there is no business to come before the Planning and Zoning Board, or whenever so many regular members notify the secretary of their inability to attend that a quorum will not be available, the Chair may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the set time for the meeting. Notice of meeting cancellation shall also be posted at Indian Trail Hall and on the Town's website.

ARTICLE IX Quorum and Voting

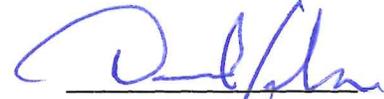
1. No more than a total of seven (7) regular members may vote on any matter.
2. A quorum of the Planning and Zoning Board shall be required before any vote is taken. A quorum shall consist of four (4) regular members.
3. During a quasi-judicial meeting, a variance requires a four-fifths concurring vote. All other quasi-judicial matters, including an appeal, requires a majority vote. Vacant positions on the 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.
4. Unexcused Planning and Zoning Board members present at a duly convened meeting shall not be required to vote and shall not be counted when determining a majority vote.

5. Voting, at the discretion of the Chair, shall be by voice or show of hands. All matters to be voted on by the Planning and Zoning Board shall be by duly made motion and second.
6. Aside from making and seconding motions, the Chair shall be able to vote on all matters.
7. It is the duty of all regular Planning and Zoning Board members to vote on all issues coming before the Planning and Zoning Board unless such member has been specifically excused from voting on an issue. Any non-excused member who is present and abstains from voting shall be counted as having made a vote in the affirmative on the issue at hand.
8. All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:
 - a. Determination of Quorum
 - b. Call to Order
 - c. Approval of Minutes of Previous Meetings
 - d. Unfinished Business
 - e. New Business
 - f. Other Business Adjournment
 - g. Planning Report
 - h. Adjournment
9. Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval of a majority vote of the regular membership.

ARTICLE X
Adoption of Amendments

1. Council shall have the authority to adopt and amend these By-Laws. These Rules shall always be consistent with all Ordinances of Indian Trail and the State of North Carolina. Should any provision of these Rules be inconsistent with such Ordinances or laws of the State of North Carolina, said Ordinances and laws shall take precedence.

TOWN OF INDIAN TRAIL



David Cohn, Mayor

Attest:



Trena Sims, Town Clerk



Previous Amendments
11/13/2028; 5/26/2020

