

**BY-LAWS OF THE
KANNAPOLIS PLANNING BOARD**

SECTION I. PURPOSE & OBJECTIVES

The purpose and objectives of the Kannapolis Planning Board shall be as set forth in North Carolina General Statutes 160A – 146 and 361 and amendments and supplements thereto, and those powers and duties delegated to the Planning Board by the City Council of Kannapolis or assigned by Ordinance.

SECTION II. OFFICERS & DUTIES

A. Chairperson. A Chairperson shall be elected by the Planning Board from among its members. The term of office shall be one year and until a successor is elected, beginning in July each year. The Chairperson shall be eligible for re-election. The Chairperson shall decide on all points of order and procedure, subject to these By-laws, unless directed otherwise by a majority of the Board in session at the time. The Chairperson shall preside at all meetings and hearings of the Planning Board. The Chairperson shall have the privilege of discussion on all matters before the Planning Board and to vote thereon.

B. Vice Chairperson. A Vice Chairperson shall be elected by the Planning Board from among its members in the same manner and for the same term as the Chairperson. The Vice Chairperson shall serve as Acting Chairperson in the Chairperson's absence and at such times shall have the same powers and duties as the Chairperson.

C. Secretary. The City Clerk or Designee shall serve as Secretary. The Secretary shall keep the minutes of every Board meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every action taken by the Board, and all votes of members of the Board on any action on the final determination of any question, indicating the names of members who are absent or fail to vote. The Secretary does not act in the capacity of a Board member. In the event that both the Chairperson and Vice Chairperson are absent, the Secretary shall have the authority to appoint a member of the Planning Board to serve as Acting Chairperson, and at such times the appointed person shall have the same powers and duties as the Chairperson.

D. Vacancies. Vacancies in the office of Chairperson or Vice Chairperson shall be filled immediately for the unexpired term by the regular election procedure.

SECTION III. RULES OF CONDUCT FOR MEMBERS

A. Members of the Planning Board may be removed for cause, including violation of the rules stated below.

B. Faithful attendance at all Planning Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board. Absence from three (3) consecutive Board meetings shall be grounds for a recommendation to the City Council for replacement on the Board.

C. All members shall vote on all issues brought before the Board unless excused by the Board.

D. No Board member shall seek to influence a decision or take part in a hearing, consideration, or determination of any matter or item in which the member has a conflict of interest. Board members shall announce their potential conflict of interest prior to the hearing, consideration or determination of the matter and the Board shall vote to allow the member to be excused from that particular matter or item.

E. Any Board member wishing to address the Board in connection with personal business, shall withdraw from voting as a member and proceed to address the Board. When the Board member has finished addressing the Board and a resolution has been made concerning his/her business, the Board member may resume his/her seat on the Board as a voting member.

F. Withdrawal from participation in any matter is necessary only in those specific instances in which a conflict exists. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.

G. No Board member shall vote on any matter unless the member attended the hearing for consideration of the matter. Voting by proxy shall not be permitted.

SECTION IV. MEETINGS

A. Regular Meetings. Regular meetings of the Planning Board shall be on the first Wednesday of each month at 6:00 PM at the Kannapolis Council Chamber located at 201 South Main Street, Kannapolis, NC; provided that meetings may be scheduled at or continued to another convenient place in the City in any case where the Chairperson determines it is in the public interest to do so.

B. Special Meetings. The Chairperson may call special meetings of the Planning Board at any time. At least 48 hours written notice of the time and place of the special meeting shall be given, by either the Secretary or the Chairperson to each member of the Board subject to Open Meetings Law requirements. The notice of such a meeting shall specify the purposes of the meeting and no other business may be considered except by unanimous consent of the Planning Board members present.

C. Cancellation of Meetings. If there is no business for the Board, or if so many members notify the Secretary that they cannot attend a meeting that a quorum will not be available, the Chairperson may cancel the meeting. The Chairperson shall cause the notification of all Board members of the cancellation subject to Open Meetings Law requirements.

D. Quorum. A quorum shall consist of five members of the Planning Board.

E. Agenda, Deadlines. All zoning and subdivision business to be considered by the Planning Board shall be listed on an agenda and to secure such consideration must be received by the Community Development Department before any regular scheduled meeting as follows by 5:00 p.m. Friday of the preceding month.

F. Meetings Open / Executive Session. All meetings at which official action is taken shall be open to the general public; however, this shall in no way prohibit or restrict the Planning Board from adjourning on a motion for executive session provided such is consistent with the provisions of the Open Meetings Law.

G. Voting. All members must vote on every issue unless excused by the Planning Board for a conflict of interest. The vote of a majority of the members present and voting shall decide issues before the Board.

H. Conduct of Meetings. Meetings will be governed by “Roberts Rules of Parliamentary Procedure”. The order of business at regular meetings shall be as follows:

- a. Roll Call (either visual or verbal)
- b. Approval of minutes of previous meeting
- c. Public Hearings
- d. Development Plans, Subdivisions, Review/Approvals
- e. Old Business
- f. Committee reports
- g. Staff reports
- h. Adjournment

SECTION V. COMMITTEES

Special committees may be appointed by the Chairperson for purposes and terms which the Planning Board approves.

SECTION VI. ANNUAL REPORT

The Planning Board shall submit an annual report of activities and accomplishments to the City Council in August of each year.

SECTION VII. HEARINGS-ZONING ORDINANCE TEXT OR MAP AMENDMENTS

A. Application for Hearing. Any person owning property or residing in the area of zoning jurisdiction may apply for an amendment to the Zoning Ordinance Text or Zoning Map by submitting a request on application forms supplied by the Community Development Department.

B. Time. After an application for an amendment to the Zoning Ordinance Text or Map is received, a hearing shall be set for the next scheduled meeting provided that it is received in accordance with the schedule described in Section IV.E herein.

C. Notice. The Planning Board shall give public notice of the hearing in a newspaper generally circulated in Kannapolis by advertisement published twice, with the first such notice at least 10 days

but no more than 25 days prior to the meeting date. In instances of proposed Zoning Map Amendments the Board may mail notices of the hearing to the owners of all properties in question and the owners of

all parcels abutting and/or directly across any public right-of-way adjacent to the property in question. Such notice shall state the location of the property involved, existing and proposed Zoning Districts, and the time and place of the hearing.

D. Conduct of the Hearing. Any party may appear in person, by agent, or by attorney at the hearing. The Order for hearings shall be as follows:

- a. Staff Report
- b. Public comments
- c. Close hearing
- d. Comments and Recommendation by Staff
- e. Action on Zoning Amendment

SECTION VIII. AMENDMENTS

These By-laws may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than five members of the Planning Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

ADOPTED this the _____ day of _____

Chairman

Bridgette Bell
Secretary