

TOWN OF CAPE CARTERET

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF CAPE CARTERET THAT THE CODE OF ORDINANCES OF THE TOWN OF CAPE CARTERET (THE CODE) CHAPTER 152: PLANNING AND DEVELOPMENT; IS HEREBY AMENDED AS FOLLOWS:

SEC. 1 – CHAPTER 152: PLANNING AND DEVELOPMENT; is amended as follows:

§ 152.15 ESTABLISHMENT.

Pursuant to G.S.160D-301 ~~G.S. §§ 160A-361 and 160A-362~~, there is hereby created a Planning Board of the town, to perform the functions and duties prescribed in this chapter. (1997 Code, § 26-31)

§ 152.16 MEMBERSHIP; VACANCIES.

(A) Beginning in February 2021, ~~the~~ Planning Board shall consist of ~~7~~ 6 members. Five members shall be citizens and residents of the town and shall be appointed by the Board of Commissioners, ~~2~~ 1 members shall be ~~a~~ citizens of the county who resides ~~s~~ outside the town but within the extraterritorial jurisdiction of the town as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. 160D-202 ~~G.S. § 160A-360(b)~~ and shall be appointed by the Board of County Commissioners. in accordance with G.S. §160D-307. Of the five (5) members selected by the Town, seats one, two, and three shall serve three-year terms commencing in February 2021 and expiring in February every three years thereafter. Seats four and five shall serve until May 2023 and then thereafter serve three-year terms. The ETJ representative member shall serve a term of three years. The initial members shall be appointed for staggered terms of 3 years. Their successors shall be appointed for terms of 3 years or for the balance of an unexpired term.

(B) Appointed members shall serve a maximum of two consecutive terms followed by a period of time of at least three years before they may serve on the Planning Board again.

~~(C)~~ Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. ~~The Board of Commissioners may appoint alternate members to serve on the Planning Board in the absence of any regular member. Each alternate member, while attending a meeting of the Board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.~~

§ 152.17 ATTENDANCE AT MEETINGS.

(A) Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board.

(B) The Board of Commissioners may declare that a vacancy exists in the Planning Board membership when any ~~individual regular or alternate~~ member, other than the ETJ Representative has missed more than 3 meetings (whether regular, special or called meetings) within a 6-month period without having been excused by the Chairperson of the Planning Board. The Board of Commissioners shall appoint a new member to complete the remaining portion of the term wherein the vacancy exists.

§ 152.19 JURISDICTION; VOTING.

(A) The ~~1~~ 2 members appointed to the Planning Board by the Board of County Commissioners as representatives of the extraterritorial area outside the town shall have equal rights, privileges and duties with the other members of the Planning Board in all matters pertaining to the regulation of the area, both in preparation of the original regulations and in consideration of any proposed amendments to the regulations.

(B) On all matters pertaining to the regulation of the area within the corporate limits, only those Planning Board members appointed by the Town Board of Commissioners to represent the area within the corporate limits shall vote.

(C) For taking action on any matter pertaining to the extraterritorial zoning area, there shall be present a quorum of 4 members, 1 of whom must be a representative from the extraterritorial zoning area.

(D) For taking action on any matter pertaining to the area within the corporate limits, there shall be present a quorum of 3 of the members appointed to represent the area.

SEC. 2- The following provisions, numbered as indicated herein is amended to the Code.

SEC. 3- This section shall become effective upon passage.

SEC. 4- If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

SEC. 5- Any ordinance or any part thereof in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

SEC. 6- The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Cape Carteret and is authorized to re-number said amendments in order to maintain consistency within said Code.

Adopted this the 8th day of February 2021.

Motion by Commissioner King, with a second by Commissioner Nalitz.

Vote Approved: 5 For 0 Against 0 Absent/Excused

Attest:

Heather Leffingwell
Heather Leffingwell, Town Clerk

William Baker
Mayor
(OFFICIAL TOWN SEAL)

