



**TOWN OF HARRISBURG, NORTH CAROLINA  
HARRISBURG TOWN HALL  
PLANNING AND ZONING BOARD MEETING**

**May 19, 2026  
6:00 PM**

**AGENDA**

**1. CALL TO ORDER**

- A. PUBLIC COMMENT - Anyone wishing to address the Board may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature. The maximum time allotted for any individual to make comments shall be (3) minutes.
- B. AGENDA ADOPTION
- C. SPECIAL PRESENTATIONS

**2. CONSENT AGENDA**

- A. Consideration of Approval of minutes from April 21, 2026, meeting.

**3. OLD BUSINESS**

**4. NEW BUSINESS**

- A. Planning Board Rules and Procedures

**5. STAFF UPDATES/INFORMATION**

- A. One Harrisburg Plan - Status and Schedule Discussion

**6. ADJOURNMENT**

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**Vision Statement**

Harrisburg will be a distinctive, family-focused community where memories are made.

**Mission Statement**

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.

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## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

Consideration of Approval of minutes from April 21, 2026, meeting.

**Presenting Personnel:**

Carly Bedgood, Planning Support Specialist

**Suggested Motion or Action:**

Motion to approve minutes of April 21, 2026, meeting, as presented.

**Description/Background:**

Attached are the minutes from the April 21, 2026, meeting.

**Recommendation:**

Approve as presented.

**Fiscal Impact:**

None.

**Attachments:**

1. PZ MINS APRIL 21 2026

**TOWN OF HARRISBURG, NORTH CAROLINA  
PLANNING & ZONING BOARD MEETING  
TUESDAY, APRIL 21, 2026  
6:00 PM**

**MINUTES**

**PRESENT:** Bill Leake (Chair), Jessica Fava (Vice-Chair), Suzi Schoonmaker, O’Hentrice Love (Ex-Officio), Faith Silva, Robbie Furr, Jeremiah Norberg, Eeswar Chamarthi (ETJ)

**ABSENT:** Carly Bedgood, Planning Technician

**STAFF:** Monterai Adams, Planning Director, Shelley DeHart, Assistant Planning Director, Matthew Gallman, Senior Planner, Parviz Moosavi, Planner, Rich Koch, Town Attorney

**1. CALL TO ORDER**

**1B. AGENDA ADOPTION**

Robbie Furr made a motion to adopt the agenda with a second by Jessica Fava.

**The motion passed 7-0.**

**1C. SPECIAL PRESENTATIONS**

None.

**1D. PUBLIC COMMENT**

None.

**2. CONSENT AGENDA**

**A. Consideration of Approval of minutes from January 20, 2026, February 17, 2026, and March 17, 2026, meeting.**

**MOTION:** Robbie Furr made a motion to approve the consent agenda with a second from Suzi Schoonmaker.

**The motion passed 7-0.**

**3. OLD BUSINESS**

None.

**4. NEW BUSIENSS**

**A. H-2025-12-Blackwelder Subdivision Preliminary Plat**

Senior Planner, Gallman, presented the preliminary plat request to develop a by-right, sixty-six (66) single family lot subdivision on 55.61 acres that is zoned Residential Medium (RM-Conventional). A preliminary plat approval is required before construction drawings may be submitted for Town review. The preliminary plat complies with the RM-Conventional district standards and with the

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subdivision design standards section of the Unified Development Ordinance (UDO). A neighborhood meeting was held on February 19<sup>th</sup> at Town Hall. Mr. Gallman reviewed the concerns voiced from the neighborhood meeting to the Board.

In closing his presentation, he stated that the preliminary plat has met the requirements of the common decision criteria section 145.01.07 and recommends that the Planning and Zoning Board recommend approval of the Blackwelder Subdivision Preliminary Plat to Town Council, subject to the following conditions:

- The applicant shall obtain all required federal, state, and local permits, including those associated with required NCDOT roadway improvements, prior to commencement of development.
- Development of the site shall be consistent with the approved preliminary plat and applicable provisions of the Unified Development Ordinance.
- All required public improvements shall be permitted, constructed, and installed prior to final plat recordation, unless otherwise provided through other means of security specified within the Unified Development Ordinance and approved by Town Staff, or the approved Development Agreement.
- The applicant and Town enter into a Development Agreement to address infrastructure obligations and related development requirements associated with the project.

**PUBLIC COMMENT:**

Mike Wilson, representing the applicant, shared information about the project and answered questions from the Board related to site design and the proposed buffer berm. Fava asked about topography between the site and adjacent lots of Providence Manor. Mr. Wilson responded, indicating the land is a field and fairly level except slopes towards the existing creek area.

Susmitha Singireddy, 5355 Hardister Pl, Concord

She stated her main concern is the traffic that will be coming through Alburn and any connections that will be taking place. This resident would like to see if any evergreen trees or plantings can be added to Lakeland to help with lights coming from more cars and the noise.

Rudolf Manaberger, 5423 Hammermill Dr, Harrisburg

He indicated he lives in Providence Manor stating he does not believe the new connections will be a solution to traffic issues, and it will create a shortcut for people to use. He is also concerned about the school bus stop not being safe for kids to wait at.

Rhonda Williams, 5420 Hammermill Dr, Harrisburg

The traffic on Providence Manor only has one entrance and exit, having another drive thru is not going to be a benefit for our existing neighborhood. When you cross Hammermill, most people call it a dead end, but we call it our overflow where our HOA has given us permission to park our cars at that dead end; it is used during the night and during the day. That overflow area is also a playground for the kids. A tragic incident occurred in January in our neighborhood and homeowners could not get into their homes due to the police and firetrucks that were on the scene, residents had

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to park in the church across the street and could not bring their vehicles in until the investigation was completed.

Ursala Egan

The roundabout is not a good idea with the main bus stop being so close. Our neighbor Phil was here at the last meeting and has a document stating that they could fill the ponds, but they cannot build on them. This was recorded with the county.

Joyce Hardister, 5275 Blackwelder Rd, Harrisburg

Questioning if the intersection of Blackwelder Rd. and Lakeland Rd. would be redesigned.

Staff answered Blackwelder and Lakeland intersects at a very odd angle; part of this development project's requirements is to straighten that out. The design is still under review by NCDOT; it might shift a little bit, but the intent is to straighten that out because it has been a long-standing problem.

Katherine Williams, 3603 McDuff Ct, Harrisburg

This resident lives on the corner house and states the traffic is already backed up in the neighborhood and residents cannot get out. They do not want to add more traffic to this mess.

**PUBLIC COMMENT WAS CLOSED**

Board member Fava questioned the developer regarding the ability to build homes over the ponds. Mr. Wilson responded that the developer has spoken to engineers and that there is no issue with the pond. It is unclear why the residents have been told the ponds could not be built upon in the past.

Chairman Leake asked staff about discussions with NCDOT. DeHart answered that staff have had an in-depth discussion with NCDOT regarding the intersection of Roberta Road and Providence Manor Rd. They stated that there is no ability to add a signal at that location due to its proximity to Pitts School Road intersection and the way the roads are configured. Leake also asked that all the perimeter buffers be specifically called out.

**MOTION:**

Jessica Fava made a motion to recommend approval to Town Council of H-2025-12 Blackwelder Subdivision Preliminary Plat with the condition of adding a fourth stop sign at the intersection of Providence Manor Rd and Hammermill Dr seconded by Robbie Furr. **The motion passed 7-0.**

**B. H-2026-01-R Peach Orchard Subdivision Map Amendment**

Assistant Planning Director, DeHart, presented the proposing zoning map amendment requesting rezoning of a 175+-acre site for the purpose of developing a single-family subdivision with one-hundred and forty-nine (149) detached units. Lot sizes vary from ¼ of an acre to over ½ of an acre resulting in an average lot size of 15,353 sq. ft or .35 of an acre. The proposed density for the site is 0.85 dwelling units per acre. The RL district has a maximum density of two (2) dwelling units per acre; however, if approved, this conditional zoning district will be tied to the proposed site plan and

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density be capped at 0.85 units/acre. This request includes annexation and entering into a development agreement with the Town at a future meeting with Town Council. The 149-lot single-family detached residential community was required to prepare traffic impact analysis (TTM) and a sight-distance analysis at the proposed access points based on the curvature of Peach Orchard Road. These documents have been reviewed and approved by the Development Review Committee (DRC) and NCDOT.

Staff recommend approval of the proposed map amendment H-2026-01-R rezoning 175+ acres to a RL conditional zoning district for the purpose of developing a 149-lot single-family conservation subdivision and for the Board to transmit a recommendation to approve to the Town Council with the following conditions as agreed to by the applicant:

1. The conditional zoning district shall be restricted to a 149-lot, single-family detached residential community as designed within the accompanied site plan. The proposed development includes the dedication of a 20.18 acre as depicted in the rezoning plan. Dedication shall occur prior to the recording of the first final plat. Said dedication area shall be developed through a public/private partnership as outlined in a Development Agreement.
2. Obtain all applicable local, state, and federal permits required for development before any development activity can take place.
3. Primary cladding materials for all residential buildings are restricted to masonry or similar products; vinyl siding may be used for soffits, windows, and other accessory features.
4. No exposed concrete foundations are permissible, and appropriate cladding must extend to the ground level on all sides of the homes.
5. No permits for dwelling units will be issued for the northeast side of the project until the change in access points and number of dwelling units is in compliance with the NC Fire Code and the secondary driveway is constructed through the dedicated open space by the 31<sup>st</sup> home for permitting is received.
6. The following transportation improvements are required and shall be installed and completed prior to the recordation of the first final plat:

Peach Orchard Road and Robinson Church Road

- Westbound right-turn lane along Peach Orchard Road
  - due to level-of-service (LOS) drop during both peak hours.
  - consistent with 2023 TIA
- Southbound left-turn lane along Robinson Church Road
  - based on turn-lane warrants
  - consistent with 2023 TIA

Peach Orchard Road and Lower Rocky River Road/Rocky River Church Road

- Southbound right-turn lane along Peach Orchard Road
  - Due to increased delays while operating at LOS F during the PM peak hour.
- Eastbound left-turn lane along Rocky River Church Road
  - based on turn-lane warrants
  - consistent with 2023 TIA
- Westbound right-turn lane along Lower Rocky River Road
  - based on turn-lane warrants
  - consistent with 2023 TIA

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Peach Orchard Road at Access Driveway 1 & 2 – installed at the time of phasing.

- Right-turn Lane along Peach Orchard Road
- Left-turn Lane on Peach Orchard Road

Sight Distance Easement as shown within the Sight Distance Analysis prepared by ESP. Required buffer located adjacent to the sight-distance easement along the Peach Orchard frontage shall be installed outside of the required easement.

7. All ponds shall be wet detention of ponds with fountains. Ponds shall be designed such that there is a minimum depth of ten' over at least 25% of the permanent pool area. Said pond shall be fenced with a vinyl 4-rail farm fence, preferably white.
8. Mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
9. The mailbox clusters shall meet minimum ADA Standards and include a cover structure and meet requirements of the UDO.
10. All streets should be to the Town of Harrisburg Engineering Design standards; alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.
11. There will be no more than 10% of the residential units as rentals at any given time and will be restricted as such by deed restrictions.

Fava questioned what the main difference between TIA is and TTM, Dehart answered that TIA was originally prepared in 2023 for a previous proposal that had more units. The TIA analysis is the base starting point for a new analysis associated with this new development plan. Fava also asked if there are any issues with water runoff from the creeks onto the neighboring lots in Hawthorne. DeHart answered they are not aware of any; however, all stormwater issues/design would be addressed during the construction phase review process. All proposed lots must be outside the 100-year flood plain.

Silva questioned if there are any signs or speed bumps to reduce speed along the secondary road to the soccer field and parking lot. DeHart responded that this has not been discussed at this point of the conceptual plan; however, staff will certainly discuss it with the applicant to address it. Silva asked if there has been approval of the site related to the gas line easement. DeHart stated staff has talked to the agency about the development and proposed fencing and roadway crossing is feasible/possible. The agency will consider an encroachment permit application after the project's approval.

Norberg questioned if the speed limit will be forty-five miles per hour on Peach Orchard Rd; DeHart stated the Town Council can consider lowering the speed limit. He also asked if the parks department was ok with 150 parking spaces at the proposed park. This calculation was based on the recommendation of the Parks and Rec Director, and the developer has agreed to it.

Leake questioned who will maintain the proposed fence within the gas easement; a condition will be included that the HOA will maintain this. Leake would like to see the area west of the new entrance road be a tree-saving area. DeHart stated we have not developed a tree mitigation plan yet, but this will be addressed.

Applicant: Lisa Thompson, Land Use consultant, presented a brief overview and addressed questions the board had as follows:

- Parking areas will be outside the flood plain.
- The sides of proposed new roads leading to the park may serve as overflow parking.
- We can put the concern about possible speeding through NCDOT lowering speed limits.
- Right and left turn lanes are provided at our access points.
- We will be happy to investigate dedicating tree-saved areas on the west side.
- Could investigate the opportunity to provide greenways in this tree-saved area if requested.
- They can also look at street cross sections with 8-foot-wide tree planting areas.
- A wetland consultant walked the site, and the creeks. They did not find any significant debris blocking the Creeks on the site. We provided staff with photographs of the old silos and barns, and no nesting areas were found.
- Our consultants investigated and ruled out the possibilities of having a shelf under the bridge for pedestrian pathway, due to the lack of the required clearance and the amount of flooding the area gets.
- Bridge over Orchid ridge was also ruled out, due to the NCDOT requirement of eighteen feet clearance height, ADA accessible, leading to a large slope long bridge on each side.

## **PUBLIC COMMENT**

John Makowsky, 10891 Robinson Church Road

There is no visibility at the proposed entrance to subdivision at Peach Orchard Rd. There have been so many accidents along the road due to the hilly terrain. One access roadway to the neighborhood is proposed, but two are required per the board discussion. I know that people speed on Peach Orchard rd. Some go over sixty in the 35 Mile/hour, changing the speed limit will not help people speed anyway.

Mike Wallace, 11460 Peach Orchard Rd

Agree with previous speaker's comment about the visibility along Peach Orchard Rd. One entrance to the new subdivision and if the bridge is closed due to flooding, a fire truck would not be able to make it to the neighborhood. The location of the proposed park was a big dairy farm; a lot of debris has been thrown away. Environmental engineers should take a closer look at it. The Town of Harrisburg already has water capacity issues. The issues will increase by adding 149 units plus other new developments in the area. When Hawthorn Subdivision was proposed, we were given promises that the traffic issues would be resolved. However, it has gotten worse and more developments are proposed within our fast-growing community.

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Amy Morris, 11275 Peach Orchard Rd

My residence is going to be next to the proposed park. Would there be any security at the park if the road is used as a primary entrance? Is the park going to be open 24 hours a day? There are illegal activities taking place including stolen cars set on fire, vandalism, hunters firing rifles randomly, etc. In addition, unauthorized people hang around there having to be forcefully removed. I am concerned about the potential future homeowners spending around a Million dollar for their homes and face these issues. How are issues including loud noise from parties going to be dealt with?

Randy Hord, 11495 Peach Orchard Rd

Safety and visibility are my concerns along Peach Orchard Rd., due to the extreme angles. There have been fatalities at both ends in the last 20 years. Turning lane was put in a couple of years ago at Peach Orchard Rd. and Robinson Church Rd. But it did not really help. Also turning left from Peach Orchard Rd. onto Lower Rocky River Road is an issue. We were told before that this issue would be resolved. These two intersections must be made safe.

Jim Mescu, 8010 Wycombe Ct

This is the longest/contiguous greenway in our town, which is great for Harrisburg. Regarding the HAWK light. Children do not always understand how it works. We have Harrisburg 5-K coming up next weekend, and we have to close roads for the event. This development would not help with that. What I like to see is landscape land with a bridge connecting the proposed greenway to continue over to the north side.

Wally Wallace, 3039 Spring Forest Rd.

My concerns relate to fencing material required to be installed by developers. I reside in Niblock development where a wooden fence was put up to be maintained by HOA. Wooden fences do not last, and they become eyesores. I am requesting to avoid asking for a wooden fence as a fencing material within subdivisions.

David Leonardo, 10503 Sweet Haven

The sturdiness of the bridge is my concern. The bridge is not going to last with all heavy vehicles traveling over it. Heavy trucks will be going over the bridge during the construction; something needs to be done by NC DOT.

**PUBLIC COMMENT WAS CLOSED**

**MOTION**

After a lengthy discussion, Jessica Fava motioned to recommend disapproval of the zoning map amendment. This project is not a reasonable request nor is it in the best interest of the public due to the one entrance and egress of sixty-five lots, environmental concerns, and safety, speed limit and topography concerns related to Peach Orchard Road, seconded by Bill Leake.

**This motion failed (3-4) with Silva, Schoonmaker, Chamarthi, and Furr voting against.**

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After further deliberations from the board, a new motion was proposed.

**MOTION**

Jessica Fava motioned to recommend disapproval of the zoning map amendment due to its unreasonable request and the fact is it not in the best interest of the public due to limited access on the northern side, environmental concerns, and safety and topography concerns related to Peach Orchard Road including the grade pedestrian crossing, seconded by Jeremiah Norberg.

**The motion passed (4-3) with Furr, Schoonmaker, and Silva voting against.**

**5. STAFF UPDATES/INFORMATION**

Staff would like to thank our Chair, Bill Leake, for his years of service on our Planning and Zoning Board. Tonight, it will be his last meeting, and we are thankful for his dedication to this board.

**6. ADJOURNMENT**

MOTION: There being no further business; Robbie Furr made a motion to adjourn, with a second from Jessica Fava. **The motion passed 7-0.**

Adopted on the 19<sup>th</sup> of May 2026

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Bill Leake, Chairperson

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Carly Bedgood, Secretary



## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

Planning Board Rules and Procedures

**Presenting Personnel:**

Monterai Adams, Planning Director

**Suggested Motion or Action:**

Receive Information

**Description/Background:**

Staff will discuss the amended rules of procedure for the Planning & Zoning Board, NCGS Conflict of Interest for Appointed Boards, and other important topics.

**Recommendation:**

Receive information

**Fiscal Impact:**

**Attachments:**

1. P&Z Rules of Procedure - AMEND\_5\_2026
2. 3\_Conflicts\_of\_interest\_160DGuidanceDoc\_6-24-20
3. P & Z Duties\_ Code of Ordinances
4. GS\_160D-301 Planning Boards
5. GS\_160D-601 Development Regulation.
6. GS\_160D-604(a-c) Planning board review and comment



## **RULES OF PROCEDURE HARRISBURG PLANNING & ZONING BOARD**

### **Section 1. Membership of the Board**

The Town Council shall appoint each member of the Board as hereinafter set forth. Members of the Board shall be broadly representative of all areas in and around the Town with an interest in and a willingness to be supportive of the goals of the Board and the Planning Department in all forms.

The Harrisburg Planning & Zoning Advisory Board shall be composed of seven (7) area residents with no less than six (6) of these members to be residents of the Town of Harrisburg and one (1) who shall reside in the Town's extraterritorial jurisdiction (ETJ), which shall be appointed by Cabarrus County. After notification to the County of an ETJ member vacancy, they shall have 90 days to appoint an ETJ member to the Board. If the County is not able to do so within 90 days, the Town may then appoint a member to that vacancy from anywhere within the Planning Area, including Town limits. One (1) additional ex-officio, non-voting member shall be on the Board, with a focus and expertise in sustainability. There will be one (1) staff liaison from the Planning Department (either the Planning Director and/or their designee) and one (1) liaison from Town Council, assigned by Mayor in January of each year. There will further be one (1) alternate liaison from Town Council to be assigned by the Mayor in the event the primary Council liaison is not available.

### **Section 2. Terms**

Board members shall have two (2) year staggered terms. Terms will begin on July 1. Board members may serve two (2) consecutive two (2) year terms, (four (4) years total), and then may be reappointed after an absence of four (4) years.

Town Council may appoint a replacement Board member to fill any uncompleted term. Appointment processes for these partial terms will follow those described in Section 6. Appointment to an uncompleted term only lasts until the term expires.

### **Section 3. Regular Meetings**

Regular meetings of the Board shall be held on the third Tuesday of each month at 6:00 p.m. in the Council Chambers of Town Hall. The regular meeting schedule may be changed by the Board at any time upon compliance with the notice provisions of the open meetings law as provided in NCGS § 160A-364, and 160A-384. The secretary of the Board shall make the schedule of regular meetings available to the public and shall post a copy of the schedule on the Town website.

**Section 4. Special Meetings**

Upon compliance with the notice provisions of the open meetings law, the Chairman, or, in the absence of the Chairman, the Vice Chairman, or four or more members of the Planning & Zoning Board may call a special meeting by causing a written notice stating the business to be transacted and the time and place of such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member or to be left at his usual dwelling or place of business at least 24 hours before the time of such meeting. Only the business stated in the written notice may be transacted at the special meeting so called.

**Section 5. Organizational Meeting**

At the regular meeting in July, upon receiving the report of the nominating committee (if any) of the Planning & Zoning Board, the Board shall elect from its members a Chairman and Vice Chairman for a term of one year. The chair and vice chair shall be eligible for reelection.

**Section 6. New Appointments: Procedures**

A call for applications shall be posted on Town’s website 90 days prior to the vacancy. Applications shall be accepted for 30 days from the posting on the Town website. A committee comprising at least one of the Council liaisons and the staff liaison shall review the applications received for the vacant positions. All incumbents wanting to continue serving on the Board shall submit applications. The Town Council may decide to have a committee interview all qualified applicants, including the incumbents, before making the recommendations to Town Council. If held, interviews should be held within 30 days from the last day applications were accepted. The committee recommendations shall be presented to the Town Council no later than the June Council meeting each year, for normal appointments.

Example of Normal Appointment Timeline

- April 1 – April 30 – Open period to receive applications for vacancy
- May 1 – May 31 – Interview period, if needed
- June Council meeting – Recommendations to Town Council

**Section 7. Agenda: Procedures**

1. The Planning & Zoning staff shall prepare the agenda packet for the meeting and distribute a copy of the agenda packet to the Planning & Zoning Board 7 days in advance. The agenda packet shall be available for public inspection when it is distributed to Board members.
2. During its consideration of the agenda, Board members shall confine their discussion and comments to those items that appear on the agenda.
3. Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Board may not take formal action on any non-agenda matter unless all Board members vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.
4. The Chairman or any member of the Board may request the staff to place an item on a future agenda by making such a request at a Planning & Zoning Board meeting. Unless a Board member objects, the

requested item shall be included. If a Board member has an objection, the item in question shall not be included on a future agenda unless a majority of the Board votes in favor of including the item.

5. The Planning & Zoning Board may periodically hold policy agenda meetings and workshops to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings and workshops will be considered informal sessions of the Planning & Zoning Board and no formal decisions shall be made at these meetings but a quorum is needed. The Planning & Zoning staff shall prepare an agenda for the meeting and the recorder shall provide minutes of the meeting.

### **Section 8. Addressing the Planning & Zoning Board**

1. Persons desiring to speak on a non-agenda matter that falls within the purview of the Board may be recognized by the Chairman to speak during the Public Comment section. Persons desiring to speak on an agenda matter may be recognized by the Chairman to speak when the item comes up on the agenda. Each speaker shall identify himself by name and address and limit their comments to fifteen (15) minutes.
2. For each agenda item, proponents shall be heard first and shall be provided fifteen (15) minutes each. Opponents shall be heard after the proponents for that particular agenda item and shall be provided fifteen (15) minutes each. The Chairman may limit time for each speaker proportionate to the number of persons who signed up to comment, if more than 30 minutes will be required for both proponents and opponents.

### **Section 9. Office of the Chairman**

The Chairman shall preside at all meetings of the Planning & Zoning Board. In order to address the Board, a member must be recognized by the Chairman. The Chairman is entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In addition to participating as a member, the Chairman shall have the following duties:

1. To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency, and
5. To appoint, as needed, special committees from among the members.

### **Section 10. Office of Vice Chairman**

At the organizational meeting, the Planning & Zoning Board shall elect from among its members a Vice Chairman. A Board member who serves as Vice Chairman shall be entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In the Chairman's absence, the Vice Chairman shall preside, and when presiding, shall have the right to vote upon all questions.

**Section 11. Quorum**

A quorum shall be defined as a minimum of four of the seven appointed members **attending in person**. This requirement is in place regardless of whether there are any vacancies on the Board. A member, who leaves a meeting, whether excused or unexcused, shall not be counted as present for purposes of determining whether a quorum is present. If this happens, the only action the Board may take is to adjourn the meeting.

If an appointed member attends a public meeting remotely, whether part of a full remote meeting or simply attending remote themselves, there are two provisions that must followed. First, the member that is attending remote cannot be counted as part of the meeting quorum. Only members attending in person can be counted for this purpose. The second provision is that while a member attending remotely can fully participate in the meeting, they are not allowed to cast a valid vote. Only members attending in person can have their votes counted.

**Section 12. Attendance**

In order for the Board to carry out its duties and responsibilities it is necessary for all members to attend the regular meetings. The Town Council may remove members who do not attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period or miss three (3) consecutive regular meetings.

**Section 13. Action by the Planning & Zoning Board**

The Planning & Zoning Board shall proceed by motion, although limited discussion of a matter may be had prior to a motion being made. Any member may make a motion. All motions shall require a second in order to be considered by the Board.

**Section 14. One Motion at a Time**

A member may make only one motion at a time.

**Section 15. Substantive Motion**

A substantive motion is out of order while another substantive motion is pending.

**Section 16. Adoption by Majority Vote**

A motion shall be adopted if it receives affirmative votes from a simple majority of members present.

It is the duty of each member to vote, unless excused by a majority vote of the Board as in the instance of conflict of interest or other legitimate reason. A member wishing to be excused from voting shall so inform the Chair who shall take a vote of the remaining members. A member who fails to vote, whether excused or unexcused, shall not be able to record a vote. This section in no way mitigates the quorum requirement for any official action.

When any board member(s) has a direct or indirect affiliation on matters coming before the Planning & Zoning Board, pursuant to **G.S. 160D-109**, the board member(s) will not be able to cast a vote in the affirmative or negative on said matters or participate in any communications (verbally, written or electronically). In order to prevent any perceived influence, board member will be required to leave the room until the discussion on said matter has been completed or voted upon by the remaining board members. Any such board member excused for this purpose shall still count for the purposes of establishing a quorum. A direct or indirect affiliation is considered to be but not limited to an employer, developer, builder, business partner, real estate broker, loan company or immediate family member.

**Section 17. Debate**

The chairman shall state the motion and then open the floor to debate on it. The Chairman shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first, and
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

**Section 18. Procedural Motions**

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

1. To adjourn.
  - a) The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To take a recess.
3. To suspend the rules.
  - a) The motion requires a vote equal to the number required for a quorum.
4. To divide a complex motion and consider it by paragraph.
5. To defer consideration.
  - a) A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
6. Call of the previous question.
  - a) The motion is not in order until all members who have indicated a desire to be recognized have had an opportunity to speak once.
7. To postpone to a certain time or day.
8. To refer to a committee.
  - a) Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, whether or not the committee has reported to matter to the Planning & Zoning Board.
9. To amend.
  - a) An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. The amending of a motion is effective only with the consent of the maker and seconder of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
10. To revive consideration.
  - a) The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

11. To reconsider.
  - a) The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
12. To rescind or repeal.
13. To ratify
14. To prevent reconsideration for three (3) months.
  - a) The motion shall be in order immediately following the defeat of a substantive motion and at no other time. To be adopted, the motion requires a vote equal to the number required for a quorum; it is valid for three (3) months.
15. To substitute.
  - a) A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. A substitute motion is voted on prior to taking a vote on the original motion. It shall not be necessary for the Board to vote a second time on the same subject matter if a motion to substitute is approved.

**Section 19. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

**Section 20. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before a vote. Permission of the members seconding the motion is not required.

**Section 21. Duty to Vote**

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present at the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

**Section 22. Adoption of Motions and Resolutions**

The affirmative votes of a simple majority of members present shall be required for the passage of any motion.

**Section 23. Amendment**

The Planning & Zoning Board may amend the Rules of Procedures at any time provided that the amendment is presented at one meeting and action is taken at the next scheduled meeting.

**Section 24. Minutes**

Minutes of the Planning & Zoning Board meetings shall be kept and shall be opened to the inspection of the public. The results of each vote shall be recorded in the Minutes.

**Section 25. Committees of the Planning & Zoning Board**

The following rules shall be applicable to the meetings of any standing or ad hoc committee, which may be formed by the Planning & Zoning Board from among its own members:

1. A quorum shall be required consisting of a majority of the members of the committee.
2. The chairman of the committee shall have a vote on all matters coming before the committee.
3. Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

Approved and adopted this 11th day of September 2023.

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Jennifer Teague, Mayor

ATTEST:

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Janet Rackley, Town Clerk

**ACKNOWLEDGEMENT**

I have received a copy of the Planning & Zoning Advisory Board Bylaws and Rules of Procedure and agree to abide by such.

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Committee Member Signature

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Date

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Print Name

Benjamin Hitchings & Adam Lovelady  
June 2020

## Overview

Chapter 160D clarifies the rules for conflicts of interest for local government elected officials, appointed board members, and administrative staff. These clarified rules must be incorporated into local ordinances, procedures, or policies. This guidance provides more detail on how the new conflict of interest provisions can be legally established and administered, outlines sample language that may be incorporated into local ordinances or policies, surveys ordinance provisions used by communities in North Carolina, and provides additional resources on ethics in land development regulation.

## Basic Provisions

Chapter 160D makes significant changes to the various conflict-of-interest provisions that apply to governing boards, advisory boards, and staff administering development regulations. Those various provisions are consolidated in G.S. 160D-109.

### **Governing Boards and Appointed Boards**

- *Financial conflicts.* A board member must not vote on a decision if the outcome would have a direct, substantial, and readily identifiable financial impact on the board member.
- *Relationship conflicts.* A board member must not vote on a decision if the board member has a close family, business, or associational relationship with certain interested individuals (relationship with the property owner for a rezoning, the applicant for a text amendment, and an affected person for quasi-judicial decision).
- *Additional Conflicts for Quasi-Judicial Decisions.* In addition to the financial and relationship conflicts, for quasi-judicial decisions a board member also must not vote if the board member has bias or undisclosed *ex parte* communications. This was the case under prior law also.
- *Resolving objections.* Board members may recuse themselves. If there is objection to a board member participating, and the member chooses not to recuse, then the remaining members of the board must vote on the member's participation.

This Chapter 160D Guidance is one in a series of guidance documents intended to provide supplemental information on specific topics. Additional guidance documents, training videos, an explanatory book, and other Chapter 160D resources are available at [nc160D.sog.unc.edu](https://nc160D.sog.unc.edu).

**Administrative Staff**

- *Financial conflicts.* A staff person cannot make a decision if the outcome would have a direct, substantial, and readily identifiable financial impact on that person.
- *Relationship conflicts.* A staff person cannot make a decision if that person has a close familial, business, or other associational relationship with the applicant or other person subject to the decision.
- *Business conflicts.* Staff cannot have a financial or employment interest in a business with a financial interest in a development in the jurisdiction. An exception is provided for when the staff person is the owner of the property.
- *Additional conflicts.* The conflict standard also prohibits administrative staff from engaging in work that is inconsistent with their duties or the interest of the local government. Local government policy can help clarify those expectations.
- *Conflicts and Staff Recommendations.* While the statute does not explicitly refer to staff recommendations (such as a recommendation on a rezoning), it is prudent to apply the same conflict of interest standards as when the administrator is the decision-maker.

**Key Considerations**

When drafting ordinance language to address conflicts of interest, it is important to make sure the resulting language complies with applicable law and meets the policy interests of the governing board. Here are some important considerations.

- **Statutory Minimum.** The statutory conflict of interest provisions set the floor for conflict of interest standards. Local governments may choose to add stricter conflict provisions. For administrative staff, for example, state law prohibits staff from engaging in work that is inconsistent with their duties or the interest of the local government. Local government policy can help strengthen and clarify that requirement. Additionally, note that these conflict of interest standards are in addition to, not replacing, other various legal and ethical limitations.
- **Quick Guide.** Consider providing a reference sheet or summary of applicable conflicts of interest to decision-makers, staff, and other participants in the local planning process.
- **Ordinance Drafting Options.** Local governments can choose from several options for incorporating the conflict of interest standards from Chapter 160D: copy the statutory language, incorporate the statutory language by reference, or craft more restrictive local rules. Each is discussed below. Regardless of the approach, it is helpful for a local government to provide a quick guide of applicable conflicts provisions.

- *Cut-and-Paste.* A local government may copy the state statutory provisions into the local ordinance. The benefit of this approach is that it would serve as a reminder to decision-makers, staff, and other participants in the local planning process of what the state requirements are and provide an accessible reference. The drawback is that the statutes may change again, requiring a local government to update this provision of its ordinance.

The language could be included altogether in a single section on conflicts of interest in the local development regulations, or broken out into the separate ordinance sections describing the responsibilities of the governing board, appointed boards, administrative staff, and quasi-judicial bodies in the land use decision-making process. If provisions are separated to different sections, take care to ensure the language for “Resolution of Objection” and “Familial relationship” is included or referenced in each section.

- *Incorporate by Reference.* The local government may adopt the state conflict of interest standard by incorporating the provisions by reference. This would provide the benefit of reminding decision-makers, staff, and other participants in the local planning process that there are state requirements, but would make them a little bit harder to find, unless the local government included links to the state statutes or provided a reference page or summary. The drawback again is that the statute references might change, requiring a local ordinance change, although this is less likely than a change in the specific statutory language. If local governments would like to take this approach, they can include a reference to “North Carolina General Statutes §160D-1-9. Conflicts of interest” in a single section on conflicts of interest in the local development regulations, or by referencing the appropriate statutory subsections (a, b, c, d) in the separate ordinance sections describing the responsibilities of the governing board, appointed boards, administrative staff, and quasi-judicial bodies in the land use decision-making process.
- *Strengthen State Minimums.* A local government may establish more stringent local ethics requirements. A local government may find benefit in establishing additional ethical requirements beyond what state law currently requires. For example, a local provision could establish requirements regarding gifts, equal treatment of local government clients, incompatible employment, and other ethical considerations, and could enumerate possible penalties for violations. Sometimes these and other conflict of interest requirements are included in local Human Resources policies.

- **Continuing ethics education.** State law requires local government governing board members to take two hours of ethics education within a year after each election or appointment to office. State law does not require continuing ethics education for local government employees and local appointed board members. However, a local government can establish such a requirement through a local policy or ordinance.
- **Local ethics policy.** Beyond these conflict of interest requirements for development regulations decisions, each local governing board subject to the state ethics education requirement must adopt a local ethics policy that directs board members to:
  - A) obey all applicable laws regarding official actions taken as a board member.
  - B) uphold the integrity and independence of the board member's office.
  - C) avoid impropriety in the exercise of the board member's official duties.
  - D) faithfully perform the duties of the office.
  - E) conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

## Statutory Authorization

Here is G.S. 160D-109 for quick reference.

### § 160D-109. Conflicts of interest.

(a) *Governing board.* A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) *Appointed boards.* Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) *Administrative staff.* No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a city local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) *Quasi-judicial decisions.* A member of any board exercising quasi-judicial functions pursuant to this Chapter 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, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed *ex parte* communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) *Resolution of Objection.* If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) *Familial relationship.* For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

### Example Ordinance Provisions

The best sample ordinance language is from the statutes. General Statute 160D-109 clearly and succinctly lists the applicable conflict of interest standard. Of course, additional provisions or altered phrasing may be appropriate for a given ordinance or community. Here are some local ordinance provisions as examples. Please note that many of these statements were developed

prior to the 2019 passage of Chapter 160D. Minor revisions are noted to align with Chapter 160D.

## GOVERNING BOARDS

### **Alleghany County: Code of Ethics for the Board of Commissioners of Alleghany County, NC (2020)**

<http://alleghanycounty-nc.gov/CommissionersPDFS/CodeofEthics.pdf>

Notes: Includes language that provides more detail on how to comply with the five principles required by the state for governing boards.

### **City of Charlotte: Code of Ethics, Gift Policy, and Disclosure Requirements for the Mayor and City Council (2020)**

<https://charlottenc.gov/CityClerk/Documents/Code%20of%20Ethics%20Mayor%20and%20Council.pdf>

Notes: Includes a gifts policy and a procedure for filing complaints.

### **Cumberland County: Board of Commissioners Code of Ethics (2020)**

<https://www.ncacc.org/DocumentCenter/View/2736/Cumberland-County-Code-of-Ethics?bidId=>

Notes: Includes language that provides more detail on how to comply with the five principles required by the state for governing boards.

### **Town of Kernersville: Code of Ethics for the Kernersville Board of Aldermen (Resolution R-2019-36) (2020)**

<https://toknc.civicweb.net/document/20774>

Notes: Includes additional principles beyond the five required by state law for governing boards.

## APPOINTED BOARDS

### **Town of Nags Head Unified Development Ordinance (2020)**

Section 2.3 Conflicts of Interest.

Members of the Board of Commissioners, Planning Board, and Board of Adjustment must act in the public interest and not to advance their own financial interests. A member of an elected board, planning board, or board of adjustment may not vote on an UDO action where there is a potential financial conflict of interest. A board member with a financial interest in the outcome of the decision may not participate in making decisions on rezonings and other legislative zoning matters. [An appointed board member shall not vote on any zoning amendment if the landowner of the property

subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.] With quasi-judicial zoning decisions, board members may not participate in a matter involving someone with whom they have a close family, associational, or business relationship, nor may they participate if they have a bias (defined as fixed opinion that is not susceptible to change upon hearing the facts at the hearing). When a member is disqualified for a conflict of interest, that member must not participate in the hearing in any way, neither asking questions, nor debating, nor voting on the case. If a member states a conflict of interest or if an objection is raised to a member's participation, the remaining members shall by majority vote decide if the member is excused from participation.

### **City of Wilson Unified Development Ordinance (2020)**

#### Chapter 14: Administrative Agencies

##### 14.7.3 CONFLICTS OF INTEREST

Members of boards and commissions shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct.

## QUASI-JUDICIAL BOARDS

### **Buncombe County Zoning Ordinance (2020)**

#### DIVISION 3. BOARD OF ADJUSTMENT

##### Sec. 78-618. Rules of conduct.

- (a) Members of the board of adjustment may be removed by the board of commissioners for cause, including violation of the rules stated in this section.
- (b) Faithful attendance at meetings of the board of adjustment and conscientious performance of the duties required of members of the board of adjustment shall be considered a prerequisite of continuing membership on the board of adjustment.
- (c) A member of the board of adjustment 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 conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome

of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(d) No board of adjustment member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that a member may receive and/or seek information pertaining to the case from the zoning administrator or any other member of the board of adjustment or its clerk prior to the hearing.

(e) Members of the board of adjustment shall not express individual opinions on the proper judgment of any case prior to its determination on that case.

(f) No board of adjustment member shall accept any gift, whether in the form of a service, a loan, a thing of value, or a promise, from any person, firm, or corporation that, in the member's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the county.

(g) No board of adjustment member shall accept any gift, favor, or thing of value that may tend to influence that board member in the discharge of duties.

(h) No board of adjustment member shall grant any improper favor, service, or thing of value in the discharge of duties.

## ADMINISTRATIVE STAFF

### City of Fayetteville (2020)

Code of Ethics (click on the link below and scroll down to "Code of Ethics")

<https://fayettevillenc.gov/government/city-council/city-council-policies>

Notes: Includes some provisions that are applicable to staff, includes a policy on gifts, establishes an Ethics Commission, and delineates a policy for determining violations and making appeals.

## Other Resources on Ethics

The UNC School of Government provides several publications on ethics and conflicts of interest, including

- Frayda S. Bluestein and Norma R. Houston, "Chapter 7 -- Ethics and Conflicts of Interest," *County and Municipal Government in North Carolina*, 2nd Ed. (2014), Frayda S. Bluestein, ed.
- A. Fleming Bell, II, *Model Code of Ethics for North Carolina Local Elected Officials* (2010)

- A. Fleming Bell, II, *Ethics, Conflicts, and Offices: A Guide for Local Officials*, 2nd Ed. (2010)

Other codes of ethics that provide guidance or are often applicable to local staff include the AICP Code of Ethics and the ICMA Code of Ethics. Here are some selections that are particularly applicable to local government staff in their regular work on planning issues.

### **Code of Ethics of the American Institute of Certified Planners (AICP)**

<https://www.planning.org/ethics/>

Principles to Which We Aspire:

A.2.c. We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

Rules of Conduct:

B5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.

B6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.

### **AICP Ethical Principles in Planning**

<https://www.planning.org/ethics/ethicalprinciples/>

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

**Code of Ethics for the International City Managers Association (ICMA)**

<https://icma.org/icma-code-ethics>

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

**Investments in Conflict with Official Duties.** Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

**Personal Relationships.** In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

**Confidential Information.** Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest. Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

## 144.03.02 Planning and Zoning Board

- A. Establishment.** This Section establishes a Planning and Zoning Board.
- B. Generally.** The Board shall provide an advisory function to assist in making decisions pertaining to amendments to the Harrisburg Area Land Use Plan (HALUP) or this UDO, and development review applications.
- C. Powers and Duties.**
- 1. Matters in this UDO.** The Board shall have the authority to make recommendations or make final decisions on the development review applications denoted in Section 145.01.14, Development Review Summary Table, and the following:
    - a.** To initiate preparation of and or amendments to the HALUP;
    - b.** To initiate, hear, review, and make recommendations to the Town Council on applications for text amendments of this UDO;
    - c.** To hear, review, and make recommendations to the Town Council on applications for Zoning Map amendments;
    - d.** To hear, review, and make recommendations to the Town Council on all applications for major subdivision approval in accordance with this UDO; and
    - e.** To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board. All bylaws, policies, procedures, and regulations shall be consistent with this Ordinance and shall be approved by the Town Council before taking effect.
  - 2. Matters Outside of this UDO.** The Board shall have the following additional powers and duties. The Board shall:
    - a.** Recommend amendments of the HALUP to the Town Council; and
    - b.** Make periodic report to the Council as to the Board's activities, as requested.
- D. Membership.**
- 1. Numbers.** The Board shall consist of seven members.
  - 2. Appointments.** The Town Council shall appoint members of the Board for terms of two (2) years. Terms begin on July 1. Board members may serve terms as outline in the adopted Rules of Procedure for the Board.
  - 3. Composition.** The membership shall include proportional representation for extraterritorial areas.
  - 4. Vacancies and Removal.** The Town Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Town Council may vote to remove a member for good cause at any time in a public meeting.
- E. Officers and Staff.**
- 1. Election.** The Board shall elect a Chairperson and Vice-Chairperson at the regular meeting in July as specified in the Board adopted by-laws.
  - 2. Officer Duties.** The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of all proceedings before the Board, and take such action necessary to preserve the order and integrity of all proceedings before the Board. In the absence of both, the Board shall elect a temporary chair to conduct the meeting.
  - 3. Staff.** The Director shall serve as the professional staff of the Board and shall appoint a recording secretary to keep minutes to summarize all proceedings, attested to by a majority of the members of the Board voting. In addition, the secretary shall maintain all records of Board meetings, hearings, and proceedings, as well as the correspondence of the Board.
- F. Quorum and Voting.** A quorum shall consist of a minimum of four of the seven appointed members attending in person, and any issue to be voted on shall be resolved by a majority of those members present. The Chairperson shall be entitled to vote upon any question, but shall have no veto power.
- G. Meetings and Procedures.**
- 1. Frequency, Location, Date, and Time.** The Board shall meet not less than once each month, unless there are no items for it to review. Meetings shall be held at the place, time, and date stated on the notice of meeting posted at the Harrisburg Town Hall. Meetings shall be open to the public. The Town Council, Chairperson, a majority of the Board or the Director may call a special meeting following required notice.

2. *Absences.* Any member of the Board who misses seventy-five percent (75%) or three (3) consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving, may be removed by Council, and the Council may appoint a new interim member to fill the vacancy.
3. *Rules of Procedure.* The Board may establish its own rules of procedure, provided that such shall not conflict with the laws applicable to the Board or the provisions of this UDO.
4. *Postponed Item.* If a matter is postponed due to lack of a quorum, the chair of the Board shall continue the meeting to the next Board meeting. The recording secretary shall notify all members and all appropriate parties of the date of the continued meeting.

[\(Ordinance 09.11.23, 09/11/2023\)](#)

Effective on: 9/11/2023

Article 3.

Boards and Organizational Arrangements.

**§ 160D-301. Planning boards.**

(a) **Composition.** – A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:

- (1) A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.
- (2) A joint planning board created by two or more local governments pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes.

(b) **Duties.** – A planning board may be assigned the following powers and duties:

- (1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- (2) To facilitate and coordinate citizen engagement and participation in the planning process.
- (3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
- (5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
- (6) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- (7) To perform any other related duties that the governing board may direct. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Article 6.

Development Regulation.

**§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

(e) Withdrawn or Denied Applications. – A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d); 2024-57, s. 3K.1(a); 2025-94, s. 11.)

**§ 160D-604. Planning board review and comment.**

(a) **Initial Zoning.** – In order to exercise zoning powers conferred by this Chapter for the first time, a local government shall create or designate a planning board under the provisions of this Article or a local act of the General Assembly. The planning board shall prepare or shall review and comment upon a proposed zoning regulation, including the full text of the regulation and maps showing proposed district boundaries. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation.

(b) **Zoning Amendments.** – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

(c) **Review of Other Ordinances and Actions.** – Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.

(d) **Plan Consistency.** – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(e) **Separate Board Required.** – Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and shall be performed by a separate board. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(c).)