
Coates' Canons Blog: Planning Board Basics

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Article: <https://canons.sog.unc.edu/planning-board-basics/>

This entry was posted on July 24, 2013 and is filed under Board Structure & Procedures, Board Structures, Land Use & Code Enforcement, Planning

The local planning board may take many forms and perform many roles. The core responsibilities are clearly set forth by statute. The General Statutes also grant fairly wide ranging authority for additional responsibilities, giving local governments the ability to use the planning board in a variety of ways. This blog outlines the basic requirements for planning boards and explores those options for additional activities.

Organization

Before a local government exercises the powers of zoning and subdivision, it must designate a planning board (GS 160A-387 & GS 153A-344). A local government may create one or more boards to perform the duties. The statutes are flexible with regard to composition of the planning board: A planning board must have at least three members, but otherwise, the size, composition, and organization are open to the local governing board's discretion (GS 160A-361 & GS 153A-321). For municipalities that have extraterritorial planning jurisdiction, the planning board must include proportional representation for the extraterritorial area (GS 160A-362). Unless prohibited by charter or ordinance, a governing board may appoint nonresidents to serve on the planning board (GS 160A-60 & 153A-25). There are no specific qualification requirements for planning board members, except in cases where the planning board acts as a historic preservation commission (described below). Terms for planning board members may be set by local ordinance, or members may serve for indefinite periods at the pleasure of the governing board.

Core Responsibilities

The General Statutes grant planning boards fairly broad authority for comprehensive planning and implementation of that comprehensive plan (GS 160A-361 & GS 153A-321). The planning board may

1. Make studies of the area within its jurisdiction and surrounding areas;
2. Determine objectives to be sought in the development of the study area;
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
5. Advise the council concerning the use and amendment of means for carrying out plans;
6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
7. Perform any other related duties that the council may direct.

In practice, the essential responsibility of planning boards is drafting the zoning ordinance and reviewing proposed amendments. The planning board is charged with preparing and reviewing a locality's initial zoning ordinance and map as well as making written recommendation about its adoption (GS 160A-387 & GS 153A-344). This generally applies to comprehensive revisions to the zoning ordinance and map, as well.

Subsequent amendments to the zoning ordinance or map must be submitted to the planning board for review and comment. The planning board must provide written recommendation to the governing board that addresses whether the proposed amendment is consistent with the comprehensive plan or other applicable adopted plans. The governing board may act on a proposed amendment after the planning board makes recommendation or 30 days pass. The governing board is not bound by the recommendation of the planning board, if any (GS 160A-383 & -387; GS 153A-341 & -344).

In carrying out its task of reviewing ordinances and amendments, the planning board is not required to hold formal public hearings, but many local governments do require hearings by ordinance (GS 160A-387 & GS 153A-344). Of course, open meeting requirements still apply and many planning boards accept public comments on the issue, even if no formal hearing is held.

Additional Responsibilities

The governing board may designate the planning board to receive and disburse funds in furtherance of its functions, as well as enter contracts with federal or state agencies for planning assistance. Planning boards may procure technical planning assistance from another city, county, or regional planning agency; planning boards may also provide such technical assistance to other planning agencies (GS 160A-363 & GS 153A-322). In practice, the administrative staff typically manages the funds and contracts, with the board serving an advisory role.

The planning board may be tasked with decision-making for applications for special use permits or conditional use permits (GS 160A-381 & GS 153A-340).

A planning board may provide final decisions on preliminary and final subdivision plats (GS 160A-373 & GS 153A-332). Also, related to subdivision approvals, the planning board may have responsibilities for school site reservation including plan adoption and school board notification (GS 160A-372 & GS 153A-331).

The North Carolina Urban Redevelopment Law outlines specific additional roles for planning boards, referenced in the law as "planning commissions" (GS 160-500 et seq.). First, the planning board must certify areas as "redevelopment areas." The local redevelopment commission then may craft a redevelopment plan. The planning board reviews and certifies a recommendation on that redevelopment plan before it is finalized and sent to the governing board (GS 160A-513).

Filling In

Local governments are authorized to have the planning board serve as other specific boards. The planning board may perform some or all of the duties of a board of adjustment, if designated as such by the local governing board (GS 160A-388 & GS 153A-345). So, some planning boards may handle variance decisions, appeals of administrative zoning decisions, and appeals from the historic preservation commission.

Speaking of preservation commissions, the planning board also may perform the duties of a historic preservation commission, if designated by the governing board (GS 160A-400.7). When serving as a preservation commission, the planning board must have at least three members with special interest, experience, or education in history, architecture, or related fields. Preservation commission duties include, among other things, determinations of certificates of appropriateness for construction and alterations in a historic district.

Types of Actions

A planning board may have both advisory and quasi-judicial decision-making authority. Acting in an advisory capacity, it reviews ordinances and ordinance amendments and advises the governing board on the matter. Other times the planning board is making quasi-judicial decisions and must follow particular procedures. A quasi-judicial decision is the application of a broad legislative decision to an individual situation. In a quasi-judicial decision the reviewing board takes evidence, makes findings of fact concerning the specific proposal, and exercises discretion in applying the broad policy to the particular applicant. Quasi-judicial decisions require heightened procedures, including sworn testimony, unbiased decision-makers, and a detailed record. (GS 160A-393 & GS 153A-349).

A planning board must follow quasi-judicial procedures when it serves as the board of adjustment, reviews special use



permits and conditional use permits, considers certificates of appropriateness (when serving as a historic preservation commission), and certain subdivision decisions that involve discretionary decisions (GS 160A-377 & GS 153A-336).

Links

- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-387.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-344.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-361.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-321.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-362.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-383.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-341.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-363.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-322.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-381.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-340.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-400.7.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-372.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-331.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160A/Article_22.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-513.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-388.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-345.html
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-393.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-349.html
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