

AN ORDINANCE TO ESTABLISH A PLANNING BOARD FOR SWAIN COUNTY

WHEREAS the General Statutes of North Carolina, 1943, Chapter 153, Section 9 (40) provides for the establishment and operation of County Planning Boards; and

WHEREAS it appears to be advantageous to the welfare of the County of Swain that a comprehensive and continuous planning program be undertaken; and

WHEREAS the Board of County Commissioners needs the active assistance and constant cooperation of many civic-minded, far-seeing citizens in their efforts to serve the best interests of the people and to direct the county's physical growth along good civic lines; therefore,

BE IT RESOLVED, that the Board of County Commissioners hereby establish

THE SWAIN COUNTY PLANNING BOARD

hereinafter referred to as the "Planning Board;" and ordain that it be governed by the following provisions:

SECTION 1. Membership and Vacancies

The Planning Board shall consist of 5 members. The initial members shall be appointed for a term of 3 years or until their successors shall be appointed. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

SECTION 2. Organization, Rules, Meetings, and Records

Within thirty days after appointment the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Board shall hold at least one semi-annually meeting, and all of its meetings shall be open to the public. There shall be a quorum of 3 members for the purpose of taking any official action required by this ordinance.

### SECTION 3. General Powers and Duties

It shall be the duty of the Planning Board, in general:

(1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;

(2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;

(3) To establish principles and policies for guiding action in the development of the area;

(4) To prepare and recommend to the Board of County Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;

(5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;

(6) To keep the Board of County Commissioners and the general public informed and advised as to these matters;

(7) To perform any other duties which may lawfully be assigned to it.

### SECTION 4. Basic Studies

As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the area, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but are not limited to studies of housing; commercial and industrial facilities; parks, playgrounds, and recreational facilities; public and private utilities, including water and waste disposal systems; and traffic, transportation, and parking facilities.

All county officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

## SECTION 5. Comprehensive Plan

The Comprehensive Plan, with the accompanying maps, plats, charts, and descriptive matter, shall be and show the Planning Board's Recommendations to the Board of County Commissioners for the development of said territory, including, among other things, the general location, character, and extent of water and waste disposal systems, streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals; the most desirable pattern of land use within the area, including areas for residential uses, for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces, and for mixed uses.

The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

## SECTION 6. Zoning Ordinance

The Planning Board shall prepare and submit to the Board of County Commissioners for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of Article 20B of Chapter 153 of the General Statutes of 1943, as amended.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the Board of County Commissioners concerning all proposed amendments to the zoning ordinance.

## SECTION 7. Subdivision Regulations

The Planning Board shall review, from time to time, the need for regulations for the control of land subdivision in the area and submit to the Board of County Commissioners its recommendations, if any, for adoption or revision of said regulations.

The Planning Board shall review and make recommendations to the Board of County Commissioners concerning all proposed plats of land subdivision.

## SECTION 8. Public Facilities

The Planning Board shall review with the county officials and report as recommendations to the Board of County Commissioners upon the extend, location, and design of all public structures and facilities, and on the acquisition and disposal of public properties. However, in the absence of a recommendation from the Planning Board, the Board of County Commissioners may, if it deems wise, after the expiration of thirty (30) days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.

## SECTION 9. Miscellaneous Powers and Duties

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable travelling expenses incident to such attendance.

## SECTION 10. Annual Report of activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year

The Planning Board shall, in May of each year, submit in writing to the Board of County Commissioners a written report of its activities, and an analysis of the expenditures to date for the current fiscal year, and for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

The Planning Board is authorized to receive contributions from private agencies and organizations or from individuals, in addition to any sums which may be appropriated for its use by the Board of County Commissioners, and an amendment to the approved Budget will be submitted to the Board of County Commissioners for approval reflecting any such contributions, and any conditions or special purposes for the use thereof.

The Planning Board is authorized to appoint such committees and employees, and to enter into contracts that will be of assistance to it carrying out its powers and duties, as it deems necessary subject, however, to budgetary controls and limitations.

SECTION 11. Advisory Council and Special Committees

The Planning Board may seek the establishment of an unofficial Advisory Council and may cooperate with this council to the end that its investigations and plans may receive fullest consideration, but the Board may not delegate to such advisory council any of its official prerogatives.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

SECTION 12. Statutory Powers.

The Planning Board shall have all the powers and authority granted by G. S. 153-9 (40).

SECTION 13. Repeal and Date of Effect

Any ordinances or parts of ordinances in conflict with this resolution and ordinance are hereby repealed, and this resolution and ordinance shall be in full force and effect as an ordinance of Swain County from and after the date of its adoption by the Board of County Commissioners.

SECTION 14. Members of Planning Board

The following persons are named as the initial members of the Planning Board, each of whom shall continue in office for the term expiring on the date set opposite his name and until his successor shall be duly appointed and qualify:

<u>Members</u>	<u>Term</u>
<u>Jack R. L. Lyday</u>	<u>3 years or until his successor shall be duly appointed and qualify:</u>
<u>Carter Maddox</u>	<u>3 years or until his successor shall be duly appointed and qualify:</u>
<u>Jack Welch</u>	<u>3 years or until his successor shall be duly appointed and qualify:</u>
<u>P. R. Bennett</u>	<u>3 years or until his successor shall be appointed and qualify:</u>
<u>H. J. Truett</u>	<u>3 years or until his successor shall be appointed and qualify:</u>

SECTION 15. Validity

Should any section, paragraph, sentence, clause, or phrase of this resolution and ordinance be declared unconstitutional or invalid for any reason, the remainder of the resolution and ordinance shall not be affected thereby.

This is to certify that the foregoing is a true copy of the ordinance establishing a Planning Board for Swain County and adopted by the Swain County Board of Commissions on September 18 1961.

*Walter Shultz, Clerk*  
Board County Commissions