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§ 157.146 BOARD OF ADJUSTMENT.

(A) *Composition; members.* The Zoning Board of Adjustment shall consist of five regular members and three alternate members. All members shall be residents of the town. Appointments shall normally be made as of July 1 of each year. Regular and alternate members shall be appointed for staggered terms of three years, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur, for the unexpired remainder of the term. No member shall serve for more than two consecutive terms, and having served two consecutive terms, no member shall be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one-half a term shall be considered as having served a full term. Faithful attendance at meetings of the Board is to be considered by the Town Commission at the time of reappointment of any regular member or alternate member. Members of the Board of Adjustment may be removed for cause by the Town Commissioners upon written charges and after public hearing. Unexcused absence from three consecutive meetings, or any absence from six meetings in any calendar year shall be cause for removal. ('85 Code, § 15-10.1)

(B) *Meetings.* The Board shall elect one of its members as Chairperson and another as Vice-Chairperson who shall serve for one year. The Chairperson shall appoint the secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairperson and at other such times as the Board may determine. The Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keeping records of its examination and any other official action. ('85 Code, § 15-10.2)

(C) *Filing and notice for an appeal.* Appeals from the enforcement and interpretation of this chapter and appeals for variances may be taken to the Board of Adjustment by any person aggrieved or by any office, department, board, or bureau of the town affected. Notice of an appeal to the Board of Adjustment shall be filed with the Building Inspector within 30 days of the date of the denial. An appeal stays all proceedings in furtherance of the action, unless the Building Inspector certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record.

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(1) *Hearing of the appeal.* After receipt of notice of an appeal, the Board Chairperson shall schedule the time for a hearing, which shall be at a regular or special meeting.

(2) *Notice.* At least one week prior to the date of the hearing, the Building Inspector shall furnish all adjoining property owners with written notices of the hearing. Notice of legislative hearing shall be published once a week for two successive calendar weeks in the local newspaper. Public notice may also be posted on the property concerned indicating the proposed change and date of legislative hearing.

(3) *Fees for appeal variances.* A fee as established in the fee schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk, shall be paid to the town for each appeal to cover the necessary administrative costs and advertising.

(D) *Powers and duties.* The Board of Adjustment shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this chapter. A concurring vote of four-fifths of the members of the Board shall be necessary to reverse, wholly, or partly any such decision.

(2) To approve special uses enumerated within the various zoning districts.

(3) To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be granted by the Board unless and until the following findings are made:

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.

(b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(c) That the special conditions and circumstances do not result from the actions of the applicant.

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(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.

('85 Code, § 15-10.4)

(E) *Appeal from the Board of Adjustment.* An appeal from the decision of the Board of Adjustment may be made to the County Superior Court within 30 days after the decision is made by the Board, but not thereafter. ('85 Code, § 15-10.5)

(Ord. 33, passed 10-5-81; Am. Ord. 91-05, passed 5-6-91; Am. Ord. 91-16, passed 12-2-91; Am. Ord. 96-05, passed 6-3-96; Am. Ord. 14-10, passed 9-9-14; Am. Ord. 21-10, passed 6-15-21)

PLANNING AND ZONING BOARD

§ 155.10 ORGANIZATION.

Pursuant to authority contained in G.S. § 160D-301, the Planning and Zoning Board shall be organized to perform the functions and duties herein prescribed.

('85 Code, § 15A-1) (Ord. 2-89, passed 2-6-89; Am. Ord. 21-10, passed 6-15-21)

§ 155.11 MEMBERSHIP AND VACANCIES.

The Planning and Zoning Board shall consist of five regular members and two alternate members. All members shall be residents of the town. Appointments shall normally be made as of July 1 of each year. Regular members shall be appointed for staggered terms of three years, alternate members for one year, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. No regular member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a regular member appointed to fill a vacancy for more than one-half of a term shall be considered as having served a full term. Faithful attendance at meetings of the Board shall be considered a prerequisite to continued membership. Any member missing three consecutive meetings unexcused or six meetings in any calendar year shall be removed.

('85 Code, § 15A-2) (Ord. 2-89, passed 2-6-89; Am. Ord. 91-05, passed 5-6-91)

§ 155.12 OFFICERS; RULES; MEETINGS.

The Planning and Zoning Board shall elect a Chairperson and Vice-Chairperson, normally at the July meeting, from among the members appointed by the governing body, whose terms of office shall be one year with eligibility for re-election. The Board shall adopt rules for transaction of its business. The Planning and Zoning Board shall also elect a Secretary, from among the members appointed by the governing body, whose term of office shall be one year with eligibility for reelection, and who shall be responsible for providing notices and keeping minutes for the Planning and Zoning

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Board. The Director of Planning and Inspections, and his or her designee, shall be responsible for providing all necessary technical, clerical and logistical support to the Planning and Zoning Board, the Secretary of the Planning and Zoning Board and any committees established by the Planning and Zoning Board. The Board should hold at least one meeting monthly, unless there is no business to transact. All meetings shall be open to the public. The agendas and minutes of all meetings, and all documents or materials presented at any meeting shall be made available to the public. An audio or audio and video recording of all meetings shall be kept and shall be made available to the public. There shall be a quorum of four members for the purposes of taking an official action.

('85 Code, § 15A-3) (Ord. 2-89, passed 2-6-89; Am. Ord. 97-14, passed 9-16-97; Am. Ord. 14-02, passed 3-11-14; Am. Ord. 15-15, passed 12-16-15)

§ 155.13 POWERS AND DUTIES.

(A) It shall be the duty of the Planning and Zoning 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 those conditions.

(2) To prepare and recommend to the governing body any changes believed necessary for the timely revision and amendment of the comprehensive plan for the physical development of the town.

(3) To prepare and recommend to the governing body ordinances promoting orderly development along the lines indicated in the comprehensive plan.

(4) To determine whether specific proposed developments conform it to the principles and requirements of the comprehensive plan for the growth of the town.

(5) To keep the governing body and general public advised as to these matters.

(6) To initiate, from time to time, proposals for amendment of the Chapter 157, Zoning Code of this code of ordinances. In addition, it shall review and make recommendations to the governing body concerning all proposed amendments to the zoning code as provided for therein.

(7) To initiate, from time to time, proposals for amendment of Chapter 156, Subdivision Regulations of this code of ordinances. The Board shall review and

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make recommendations to the governing body concerning all proposed new or amended plats of land subdivision.

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

(9) To advise the governing board concerning the implementation of plan, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. § 160D-604.

(B) The Planning and Zoning Board may conduct such evidentiary hearings as may be required to gather information necessary for the performance of any of its duties prescribed in this chapter or elsewhere in this code of ordinances.

(C) The Planning and Zoning 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.

(D) Members of the Planning and Zoning Board may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Board may, upon formal and affirmative vote, pay, within the Board's budget, the reasonable expenses incident to such attendance.

('85 Code, § 15A-6) (Ord. 2-89, passed 2-6-89; Am. Ord. 21-10, passed 6-15-21)

§ 155.14 FUNDS.

The Planning and Zoning Board is authorized to make such expenditures, as it may see fit, subject to limitations of funds provided for the Board in the annual budget. The Board shall submit to the Town Manager in April of each year for budget consideration its request for funds needed for operation during the ensuing year.

('85 Code, § 15A-5) (Ord. 2-89, passed 2-6-89)

§ 155.15 COMMUNITY ADVISORY COMMITTEES.

(A) At the direction of the BOC, the Planning and Zoning Board shall establish subordinate committees to be known as Community Advisory Committees, only as provided for in this section. Without the express direction of the BOC, the Planning and Zoning Board shall not establish any committee, subcommittee, working or similar group comprised of regular or alternate members, members of the public or any

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combination thereof, that is not a Community Advisory Committee established pursuant to this section.

(B) Except as otherwise directed by the BOC, any Community Advisory Committee shall be comprised of (1) three members of the public, each of whom shall be residents or owners of residential property located in the town, and (2) two regular or alternate members of the Planning and Zoning Board, all of whom shall be appointed by the Planning and Zoning Board by vote taken at a meeting of the Planning and Zoning Board, and each shall serve at the pleasure of the BOC. One of the regular or alternate members shall be appointed as the Chairman and one shall be appointed as the Secretary of the Community Advisory Committee by the Planning and Zoning Board. There shall be a quorum of four members of the Community Advisory Committee for the purposes of taking an official action.

(C) Unless a Community Advisory Committee is designated as a standing committee by the BOC, the term of existence of a Community Advisory Board shall be no more than three months, unless that term is extended by the BOC. Each Community Advisory Board shall make a report to the Planning and Zoning Board at each regular meeting thereof. Unless otherwise directed by the BOC, (1) no Community Advisory Committee nor any member thereof shall make any report to the BOC, (2) only the Chairman or Vice Chairman of the Planning and Zoning Board shall deliver any report or recommendation based on the work of any Community Advisory Committee to the BOC, and (3) no such report or recommendation shall be delivered unless it has been adopted by the Planning and Zoning Board. Unless otherwise directed by the BOC, a Community Advisory Committee and the Planning and Zoning Board shall present any recommendation as a range of alternatives, and not as a single recommendation.

(D) In directing the establishment of a Community Advisory Committee, the BOC shall clearly describe the subject matter, scope and function of the Community Advisory Committee.

(E) The agendas and minutes of all meetings, and all documents or materials presented at any meeting of a Community Advisory Committee shall be made available to the public. An audio or audio and video recording of all meetings shall be kept and shall be made available to the public.

(Ord. 15-16, passed 12-16-15)

CHAPTER 34: PARKS AND RECREATION ADVISORY BOARD

Section

34.01	Creation, name and number of members
34.02	Powers and duties
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§ 34.01 CREATION, NAME AND NUMBER OF MEMBERS.

There is hereby created a Parks and Recreation Advisory Board comprised of a maximum of seven residents or property owners of the Town of Holden Beach.

(Ord. 10-10, passed 10-12-10; Am. Ord. 18-03, passed 4-17-18)

§ 34.02 POWERS AND DUTIES.

The Parks and Recreation Advisory Board shall:

- (A) Serve as an advisory board for the Recreation Department and the town;
- (B) Advise the Board of Commissioners and Town Manager regarding the operations, maintenance, improvement, development and acquisition of town public spaces;
- (C) Suggest policies and make recommendations concerning recreation programs, plans and facilities to the Board of Commissioners and the Town Manager;
- (D) Serve as a link between the Board of Commissioners, Town Manager and the community on leisure services matters; and
- (E) Consult with and advise the Board of Commissioners and Town Manager in matters affecting recreation policies, programs, finances and the acquisition and

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disposal of lands and properties related to the total community recreation program and to its long range projected program for recreation;

(F) Make recommendations to the Board of Commissioners for modifications to the town's ordinances with respect to public and private beach access walkways which promote protection and growth of the town's protective dune systems; and

(G) Make recommendations to the Board of Commissioners regarding dune health and protection.

(Ord. 10-10, passed 10-12-10; Am. Ord. 18-03, passed 4-17-18; Am. Ord. 21-23, passed 7-20-21)

§ 34.03 APPOINTMENT, TERMS.

Each member of the Parks and Recreation Advisory Board shall be appointed by the Board of Commissioners for a three-year term. Appointments shall normally be in July of each year. No member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one-half of a term shall be considered as having served a full term. Each member of the Parks and Recreation Advisory Board shall serve at the pleasure of the Board during their appointment. Approximately one third of the terms shall expire each year.

(Ord. 10-10, passed 10-12-10; Am. Ord. 14-08, passed 7-8-14)

§ 34.04 MEETINGS.

The Parks and Recreation Advisory Board shall meet as needed at the town hall or other suitable and available facility circumstances and convention may dictate. The Parks and Recreation Advisory Board shall comply with provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 *et seq.* A quorum shall be in attendance before action of an official nature can be taken. A quorum is at least one more than the number absent of the appointed members.

(Ord. 10-10, passed 10-12-10)

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§ 34.05 ATTENDANCE.

An appointed member of the Parks and Recreation Advisory Board who misses three or more consecutive regular meetings or four meetings within a 12-month period loses their status as a member. Request for excused absences due to sickness, death or emergencies of like nature shall be approved by the Board of Commissioners as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

(Ord. 10-10, passed 10-12-10)

§ 34.06 OFFICERS.

There shall be a Chair and a Vice-Chair of the Parks and Recreation Advisory Board. An annual election of the Chair and Vice-chair shall be held by the members and shall occur annually at the regular monthly meeting in July. The officers shall serve for one year from election with eligibility for reelection. Vacancies of the Chair and Vice-Chair created by termination or initial establishment of the Parks and Recreation Advisory Board shall be elected from its membership at its earliest convenience. The Town Manager or his or her designee will serve as secretary to the Parks and Recreation Advisory Board.

(Ord. 10-10, passed 10-12-10)

§ 34.07 OFFICERS' DUTIES.

(A) The Chair of the Parks and Recreation Advisory Board shall preside at all meetings and shall appoint all committees.

(B) When the Chair is absent the Vice-Chair shall perform the duties of the Chair. When both the Chair and Vice-chair are absent, a temporary-Chair shall be selected by those members who are present.

(C) The secretary shall provide to all members copies of agendas, official reports and the official minutes of all regular meetings and special meetings, prior to the next scheduled meeting.

(D) The secretary of the Parks and Recreation Advisory Board shall submit a

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report in writing of any suggestions, plans, recommendations, and the like to the Town Clerk following each meeting of the Parks and Recreation Advisory Board for inclusion in the following month's Board of Commissioners' agenda packets.

(Ord. 10-10, passed 10-12-10)