

**TOWN OF MAGGIE VALLEY  
ORDINANCE 1083**

**WHEREAS**, The Board of Aldermen desire to convey clear concise requirements the Planning Board of the Town of Maggie Valley

**WHEREAS**, The Board of Aldermen feel it is necessary to update the requirements to reflect current North Carolina General Statutes

**NOW THEREFORE**, be it ordained by the Board of Aldermen of the Town of Maggie Valley, in the State of North Carolina, as follows:

**SECTION 1:**        **REPEAL** “30: PLANNING BOARD” of the Town of Maggie Valley Municipal Code is hereby *repealed* as follows:

**BEFORE REPEAL**

**30: PLANNING BOARD**

**30.25 ESTABLISHMENT; QUALIFICATIONS**

A Planning Board, consisting of 7 members, is hereby established. Five members, appointed by the Town Board of Alderman, shall be citizens and reside within the town limits of Maggie Valley. Two members shall reside within the town’s extraterritorial planning jurisdiction, and shall be appointed by the Haywood County Board of Commissioners; however, shall the County Board fail to make the appointments within 90 days following receipt of a resolution from the Town Board of Aldermen requesting the appointments, the Town Board may make the appointments. The members of the Board representing the extraterritorial jurisdiction shall have equal rights, duties, and privileges with other members of the Board. Members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the Board.

(Ord. 438, passed 1-17-2006)

**30.26 TENURE**

Members of the Board shall be appointed to serve an initial term of one (1) year. Thereafter, members shall serve terms of 3 years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

**30.27 OFFICERS**

Following annual appointments, the Board shall elect 1 member to serve as Chair and preside over its meetings and shall elect 1 Vice Chair to perform the duties of the Chair when the Chair is unable. The term of the Chair and Vice Chair shall be 1 year, with eligibility for reelection.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.28 MEETINGS

The Board shall establish a regular meeting schedule, and shall meet at least monthly and more often as it shall determine and require. All meetings of the Board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public, in accord with G.S. Chapter 143, Article 33C. The Board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions. In the case of a divided vote on any question on which the Board is required to act, the record shall include the vote of each member.

(Ord. 438, passed 1-17-2006)

### 30.29 ATTENDANCE AT MEETINGS

Any member of the Board who misses 3 consecutive regular meetings, or four (4) of the regular meetings in a calendar year, shall lose his or her status as a member of the Board, and shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate. Absence due to a sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the Board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.30 QUORUM AND VOTING

A quorum of the Board, necessary to take any official action, shall consist of a majority of the voting members. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.31 POWERS OF THE BOARD

A. *Generally.* The powers and duties of the Planning Board are as follows.

B. *Specifically.*

1. Acquire and maintain in current form the 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. Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendations to the Town Board of Aldermen for the development of the town, including, among other things, the general location, character, and extent of streets, bridges, playgrounds, parks, and other public ways, grounds, and open space; the general location and extent of public utilities; whether publicly or privately owned or operated, the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, and the most desirable pattern of land use within the area;
3. Prepare and recommend ordinances promoting orderly development of the area in accordance with the adopted land use plan, including a zoning ordinance and subdivision regulations. The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and of subdivision regulations based upon its studies. In addition, it shall review and make recommendations to the Town Board of Aldermen concerning all proposed amendments to the zoning ordinance and subdivision regulations;
4. Determine whether specific proposed development conforms to the principles and requirements of the comprehensive plan of the area and to make recommendations concerning them;
5. Issues preliminary and final plat approval or as stated in the Subdivision Ordinance;
6. Keep the Town Board of Aldermen and general public informed and advised as to these matters;
7. Make other recommendations which it sees fit for improving the development of the area; and
8. To exercise any other powers and to perform any other duties as are authorized or required elsewhere in this subchapter, the North Carolina General Statutes, or by the Board of Aldermen.

(Ord. 438, passed 1-17-2006)

30.32 EFFECTIVE DATE

This subchapter shall be in full force and in effect from and after 1-17-2006, most recently updated May 10, 2022.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

**AFTER REPEAL**

### 30.25 ESTABLISHMENT; QUALIFICATIONS

A Planning Board, consisting of 7 members, is hereby established. Five members, appointed by the Town Board of Alderman, shall be citizens and reside within the town limits of Maggie Valley. Two members shall reside within the town's extraterritorial planning jurisdiction, and shall be appointed by the Haywood County Board of Commissioners; however, shall the County Board fail to make the appointments within 90 days following receipt of a resolution from the Town Board of Aldermen requesting the appointments, the Town Board may make the appointments. The members of the Board representing the extraterritorial jurisdiction shall have equal rights, duties, and privileges with other members of the Board. Members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the Board.

(Ord. 438, passed 1-17-2006)

### 30.26 TENURE

Members of the Board shall be appointed to serve an initial term of one (1) year. Thereafter, members shall serve terms of 3 years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.27 OFFICERS

Following annual appointments, the Board shall elect 1 member to serve as Chair and preside over its meetings and shall elect 1 Vice Chair to perform the duties of the Chair when the Chair is unable. The term of the Chair and Vice Chair shall be 1 year, with eligibility for reelection.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.28 MEETINGS

The Board shall establish a regular meeting schedule, and shall meet at least monthly and more often as it shall determine and require. All meetings of the Board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public, in accord with G.S. Chapter 143, Article 33C. The Board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions. In the case of a divided vote on any question on which the Board is required to act, the record shall include the vote of each member.

(Ord. 438, passed 1-17-2006)

### 30.29 ATTENDANCE AT MEETINGS

Any member of the Board who misses 3 consecutive regular meetings, or four (4) of the

regular meetings in a calendar year, shall lose his or her status as a member of the Board, and shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate. Absence due to a sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the Board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.30 QUORUM AND VOTING

A quorum of the Board, necessary to take any official action, shall consist of a majority of the voting members. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

### 30.31 POWERS OF THE BOARD

A. *Generally.* The powers and duties of the Planning Board are as follows.

B. *Specifically.*

1. Acquire and maintain in current form the 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. Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendations to the Town Board of Aldermen for the development of the town, including, among other things, the general location, character, and extent of streets, bridges, playgrounds, parks, and other public ways, grounds, and open space; the general location and extent of public utilities; whether publicly or privately owned or operated, the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, and the most desirable pattern of land use within the area;
3. Prepare and recommend ordinances promoting orderly development of the area in accordance with the adopted land use plan, including a zoning ordinance and subdivision regulations. The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and of subdivision regulations based upon its studies. In addition, it shall review and

- make recommendations to the Town Board of Aldermen concerning all proposed amendments to the zoning ordinance and subdivision regulations;
4. Determine whether specific proposed development conforms to the principles and requirements of the comprehensive plan of the area and to make recommendations concerning them;
  5. Issues preliminary and final plat approval or as stated in the Subdivision Ordinance;
  6. Keep the Town Board of Aldermen and general public informed and advised as to these matters;
  7. Make other recommendations which it sees fit for improving the development of the area; and
  8. To exercise any other powers and to perform any other duties as are authorized or required elsewhere in this subchapter, the North Carolina General Statutes, or by the Board of Aldermen.

(Ord. 438, passed 1-17-2006)

### 30.32 EFFECTIVE DATE

This subchapter shall be in full force and in effect from and after 1-17-2006, most recently updated May 10, 2022.

(Ord. 438, passed 1-17-2006; amended by Ord. 991, passed 5-10-2022)

~~30: PLANNING BOARD~~ *(Repealed)*

~~30.25 ESTABLISHMENT; QUALIFICATIONS~~ *(Repealed)*

~~30.26 TENURE~~ *(Repealed)*

~~30.27 OFFICERS~~ *(Repealed)*

~~30.28 MEETINGS~~ *(Repealed)*

~~30.29 ATTENDANCE AT MEETINGS~~ *(Repealed)*

~~30.30 QUORUM AND VOTING~~ *(Repealed)*

~~30.31 POWERS OF THE BOARD~~ *(Repealed)*

~~30.32 EFFECTIVE DATE~~ *(Repealed)*

~~30.25 ESTABLISHMENT; QUALIFICATIONS~~ *(Repealed)*

~~30.26 TENURE~~ *(Repealed)*

~~30.27 OFFICERS~~ *(Repealed)*

~~30.28 MEETINGS (Repealed)~~

~~30.29 ATTENDANCE AT MEETINGS (Repealed)~~

~~30.30 QUORUM AND VOTING (Repealed)~~

~~30.31 POWERS OF THE BOARD (Repealed)~~

~~30.32 EFFECTIVE DATE (Repealed)~~

**SECTION 2:            AMENDMENT “158.12 PLANNING BOARD ESTABLISHED”** of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

**158.12 PLANNING BOARD ESTABLISHED**

- A. A Planning Board for the Town of Maggie Valley and its area of extraterritorial jurisdiction is hereby established.
- B. *Membership; terms of office; vacancies.*
  - 1. The Planning Board shall consist of seven (7) members. Five members of the Planning Board shall be appointed by the Board of Aldermen of the Town of Maggie Valley, and two (2) members shall be appointed by the Haywood County Board of Commissioners.
  - 2. For the initial appointments to the Planning Board, the Town of Maggie Valley shall appoint 1 member for a 1-year term, 2 members for a 2-year term, and 2 members for 3-year terms. Haywood County shall appoint 2 members for a 3-year term. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Each successive appointment of members to the Planning Board shall be for a term of 3 years. Members may be reappointed for any number of successive terms.
- C. *Attendance.* Faithful attendance at the meetings of the Planning Board is required in order to maintain membership on the board, and members who miss three (3) consecutive meetings automatically forfeit membership. A member terminated for lack of attendance may appear before the Board of Aldermen and request reinstatement.
- D. *Organizational meeting; election of Chairperson; officers; terms.* Within 30 days after the appointment of members to the Planning Board, the Board shall meet and elect a Chairperson and create and fill the offices as it may determine. The term of the Chairperson and other offices shall be for 1 year, with eligibility for re-election for any number of successive terms.
- E. *Regular meetings required; nature of meeting; quorum.*
  - 1. The Planning Board shall hold at least 1 meeting monthly, and all of its meetings shall be open to the public.

2. There shall be a quorum of four (4) members for the purpose of taking any official action required by this ordinance.
- F. *Required to adopt rules, keep records.* The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings, and recommendations, which record shall be a public record.

## AFTER AMENDMENT

### 158.12 PLANNING BOARD ESTABLISHED

- ~~A. A Planning Board for the Town of Maggie Valley and its area of extraterritorial jurisdiction is hereby established.~~ A. Establishment. A Planning Board Consisting of five (5) members is hereby established in accordance with G.S. 160D-301. All Five (5) members, appointed by the Town Board of Alderman, shall be citizens of and reside within the town limits of Maggie Valley. Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the board. The Planning Board of shall adopt rules for the transaction of its business and shall keep them on record in the office of the Town Clerk.
- ~~B. Membership; terms of office; vacancies:~~  
The Planning Board shall consist of seven (7) members. Five members of the Planning Board shall be appointed by the Board of Aldermen of the Town of Maggie Valley, and two (2) members shall be appointed by the Haywood County Board of Commissioners. For the initial appointments to the Planning Board, the Town of Maggie Valley shall appoint 1 member for a 1-year term, 2 members for a 2-year term, and 2 members for 3-year terms. Haywood County shall appoint 2 members for a 3-year term. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Each successive appointment of members to the Planning Board shall be for a term of 3 years. Members may be reappointed for any number of successive terms. B. Tenure. Members of the board shall be appointed to serve terms of three (3) years, and shall remain a member until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.
- ~~C. Attendance.~~ Faithful attendance at the meetings of the Planning Board is required in order to maintain membership on the board, and members who miss three (3) consecutive meetings automatically forfeit membership. A member terminated for lack of attendance may appear before the Board of Aldermen and request reinstatement. C. Officers. Following annual appointments, the board shall elect one (1) member to serve as chair and preside over its meetings and shall elect one (1) vice chair to perform the duties of the chair when the chair is unable. The term of the chair and vice chair shall be one (1) year, with eligibility for re-election.
- ~~D. Organizational meeting; election of Chairperson; officers; terms.~~ Within 30 days after the appointment of members to the Planning Board, the Board shall meet and elect a

~~Chairperson and create and fill the offices as it may determine. The term of the Chairperson and other offices shall be for 1 year, with eligibility for re-election for any number of successive terms.~~ D. Meetings. The board shall establish a regular meeting schedule and shall meet at least monthly, provided there are actionable agenda items, or more often as it shall determine and require. All meetings of the board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public, in accordance with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions. In the case of a divided vote on any question on which the board is required to act, the record shall include the vote of each member.

~~E. Regular meetings required; nature of meeting; quorum.~~ ~~The Planning Board shall hold at least 1 meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action required by this ordinance. Required to adopt rules, keep records.~~ ~~The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings, and recommendations, which record shall be a public record.~~ E. Attendance. Any member of the board who misses three (3) consecutive meetings, or four (4) of the regular meetings in a calendar year, shall lose his or her status as a member of the board, and shall be replaced by the Town Board of Aldermen. Absence due to a sickness, death of a family member, or other emergencies of like nature shall be recognized as excused absences and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Board of Aldermen.

F. Quorum and Voting. Quorum of the Planning Board, necessary to take any official action, shall consist of a majority of the members. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item shall be counted as present for the purpose of determining whether or not a quorum is present. A quorum must be present before any business is transacted. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present and voting shall be necessary to take any action on an agenda item.

**SECTION 3:****AMENDMENT** “158.13 PLANNING BOARD: POWERS AND DUTIES” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

158.13 PLANNING BOARD: POWERS AND DUTIES

- A. The Planning Board shall have the following powers and duties:
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 Board of Aldermen 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 Board of Aldermen may direct;
  7. Review and issue preliminary and final plat approvals for proposed land subdivisions as stated in the Subdivision Regulations;
  8. Perform any other related duties that the Board of Aldermen may direct.
- B. *Special committees.* The Planning Board may set up special committees to assist it in the study of specific questions and problems.
- C. *Authority of extraterritorial members.* Those members of the Planning Board that reside within the extraterritorial area, and being those same members appointed by the Haywood County Board of Commissioners, shall function with respect to all matters coming before the Planning Board.

#### AFTER AMENDMENT

#### 158.13 PLANNING BOARD: POWERS AND DUTIES

- A. The Planning Board shall have the following powers and duties:
1. ~~Make studies of the area within its jurisdiction and surrounding areas;~~ 1. 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. ~~Determine objectives to be sought in the development of the study area;~~ 2. Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendations to the Town Council for the development of the town including, among other things, the general location, character and extent of streets, bridges, playgrounds, parks, and other public ways, grounds and open space; the general location and extent of public utilities; whether publicly or privately owned or operated, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, and the most desirable pattern of land use within the area;
  3. ~~Prepare and adopt plans for achieving these objectives;~~ 3. Prepare and recommend ordinances promoting orderly development of the area in accordance with the adopted land use plan including a zoning ordinance and subdivision regulations. The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and of subdivision

regulations based upon its studies. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance and subdivision regulations;

- ~~4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;~~ 4. Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan of the area and to make recommendations concerning them;
  - ~~5. Advise the Board of Aldermen concerning the use and amendment of means for carrying out plans;~~ 5. Issue preliminary and final plat approval or as stated in the Subdivision Ordinance;
  - ~~6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Aldermen may direct;~~ 6. Keep the Town Council and general public informed and advised as to these above-referenced matters;
  - ~~7. Review and issue preliminary and final plat approvals for proposed land subdivisions as stated in the Subdivision Regulations;~~ 7. Make other recommendations which it sees fit for improving the development of the area;
  - ~~8. Perform any other related duties that the Board of Aldermen may direct.~~ 8. To exercise such other powers and to perform such other duties as are authorized or required elsewhere in this appendix, the N.C. General Statutes, or by the Board of Aldermen.
- B. ~~Special committees. The Planning Board may set up special committees to assist it in the study of specific questions and problems.~~
- C. ~~Authority of extraterritorial members. Those members of the Planning Board that reside within the extraterritorial area, and being those same members appointed by the Haywood County Board of Commissioners, shall function with respect to all matters coming before the Planning Board.~~

PASSED AND ADOPTED BY THE TOWN OF MAGGIE VALLEY BOARD OF ALDERMEN JULY 09, 2024.

Presiding Officer

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Mike Eveland, Mayor, Town of Maggie Valley

Attest

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Kathy Johnson, Town Clerk, Town of Maggie Valley