

LAND DEVELOPMENT CODE ADVISORY BOARD
BYLAWS
Adopted October 19, 2009
Amended March 21, 2016

Authority and Responsibility

- 1-1 The Land Development Code Advisory Board shall have the duties and responsibilities as follows:
- a) Review, evaluate and recommend amendments to the Land Development Code to the Planning Board and Town Board.
 - b) Review, evaluate and recommend amendments to Town planning processes and procedures to the Planning Board and Town Board.
 - c) Other such related duties as directed by the Town Board.
- 1-2 In addition to the duties and responsibilities prescribed in Section 1-1, the Land Development Code Advisory Board shall:
- a) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Board may direct;
 - b) Keep the Town Board and the general public informed and advised as to matters within their duties and responsibilities; and
 - c) Perform any other related duties that the Town Board may direct.

Membership

- 2-1 Members of the Land Development Code Advisory Board shall be appointed by the Town Board and shall be composed of fourteen (14) members as follows:
- a) Two (2) Town Board members
 - b) Two (2) Planning Board members
 - c) One (1) Planning Staff member
 - d) The Town of Cornelius Planning Director
 - e) Eight (8) at large members, who shall live, work or own a business within the Town of Cornelius Corporate Limits or the ETJ.

- 2-2 At large members of the Land Development Code Advisory Board shall be appointed by the Town Board of Commissioners for two year staggered terms.
- 2-3 In addition, the Town Board of Commissioners may at its discretion appoint one (1) or more additional member(s) who shall live, work or own a business within the Town of Cornelius Corporate Limits or ETJ.
- 2-4 If a vacancy should occur on the Land Development Code Advisory Board for any reason, an appointment to that seat shall be made for the duration of the unexpired term in the same manner as noted in Section 2-1.
- 2-5 Membership shall be evenly distributed throughout the Corporate Limits and ETJ.

Election of Officers

- 3-1 A Chair shall be elected by the Town Board of Commissioners. The Vice Chair shall be selected from the regular members of the Land Development Code Advisory Board.
- 3-2 The Chair shall preside at all meetings and have the duties normally conferred on such office. The Vice-Chair shall serve as temporary Chair in the absence of the Chair.
- 3-3 In the event of the absence or disqualification of both the Chair and the Vice Chair from a meeting of the Land Development Code Advisory Board or a matter before it, the regular members in attendance may elect a temporary chair for that meeting and proceed with the order of business.
- 3-4 The Planning Director or designee shall serve as Secretary to the Land Development Code Advisory Board. The Secretary shall, with concurrence of the Chair, prepare agendas for all meetings, provide appropriate public notice of meetings and hearings, attend to correspondence and perform such other duties as necessary.

Meetings

- 4-1 Regular meetings of the Land Development Code Advisory Board shall be held at a standard time and place as agreed upon by the Town Board of Commissioners. Members shall be notified by electronic mail of each regular meeting by the Secretary.
- 4-2 Special meetings may be called by the Chair provided a notice of the time and location of each such meeting shall be given to all members by the Secretary.
- 4-3 All regular and special meetings of the Land Development Code Advisory Board shall be open to the public, except for closed sessions as allowed by State statute.
- 4-4 The Land Development Code Advisory Board shall operate according to Roberts Rules of Order to the extent not contrary to these Bylaws. The Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Land Development Code Advisory Board in session at that time.

Records

- 5-1 The Land Development Code Advisory Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be public, except as exempted by State law, and maintained in the files of the Planning Department of the Town of Cornelius.

Action by Board

- 6-1 All actions of the Land Development Code Advisory Board shall have been put before the Land Development Code Advisory Board members in the form of a motion, duly seconded and voted upon. A majority of all voting members including the Chair shall be present before a vote may be taken on any motion.
- 6-2 Voting shall be done by a show of hands. Only members present at the time a vote is taken shall be eligible to vote.
- 6-3 All members of the Land Development Code Advisory Board must vote on all matters. Members who are present and not excused will be deemed to have voted in favor of the motion presented if they do not vote.

Attendance

- 7-1 In order for the Land Development Code Advisory Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent without excuse for three consecutive regular meetings or fails to attend at least seventy-five percent (75%) of the regular meetings within a twelve-month period, the Chair may request that the position be vacated and a replacement be made by the Town Board of Commissioners.

Conflict of Interest

- 8-1 Members of the Land Development Code Advisory Board shall not seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Land Development Code Advisory Board which may result in a pecuniary or personal benefit to themselves, their immediate relatives or their business interests. In applying this rule the following procedure shall govern:
- 8-2 A Land Development Code Advisory Board member who believes that a conflict of interest may exist for himself or herself shall declare that possible conflict and ask to be excused from deliberation on the matter in question. A majority vote of the remaining Land Development Code Advisory Board members shall be required to excuse a member from deliberation for a conflict of interest.

8-3 A contention of the existence of an overt conflict of interest or a contention of an undisclosed conflict of interest may be made by any interested party with the Land Development Code Advisory Board. Such a contention may be grounds for reconsideration of a decision or recommendation of the Land Development Code Advisory Board. Any such contention made to the Land Development Code Advisory Board shall be supported by competent and material evidence and shall be submitted to a properly convened meeting of the Land Development Code Advisory Board. The Land Development Code Advisory Board shall hear all such evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest and any further action required of the Land Development Code Advisory Board by such determination.

Excuse from participation in any matter is necessary only in those specific matters in which a conflict arises. There shall be no excuse based on entire categories of the business or profession with which a member is associated.

Adopted by the Board of Commissioners on the 21st day of March, 2016.