

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1057
SENATE BILL 720

AN ACT CREATING THE GASTON REGIONAL PLANNING COMMISSION;
PROVIDING FOR ITS ORGANIZATION, POWERS AND DUTIES;
CONFERRING UPON CERTAIN GOVERNMENTAL UNITS THE POWER
AND AUTHORITY TO ADOPT AND ENFORCE ZONING, SUBDIVISION AND
OTHER COMPREHENSIVE REGULATIONS FOR THE PURPOSE OF
PROMOTING ORDERLY GROWTH AND SOUND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. Creation of Regional Planning Commission; authorized procedure. The City of Gastonia and Gaston County may, by agreement of their respective governing bodies, create a Regional Planning Commission to be known as the Gaston Regional Planning Commission and to have and exercise any and all the powers and duties granted in Article 23, Chapter 153, of the General Statutes of North Carolina. Such creation shall be through the adoption by the governing body of each participating governmental unit concerned, acting individually, of a joint resolution, which shall provide for:

- (a) The membership of the Commission;
- (b) The terms of the members;
- (c) Procedure for removing or replacing members;
- (d) The compensation, if any, and extent of reimbursement of expenses of members;
- (e) The method for determining the financial support to be given the Commission by the governing body of each participating governmental unit concerned; and
- (f) The budgetary procedures to be followed.

Said resolution may be modified, amended or repealed at any time through unanimous action of the governmental units concerned.

Sec. 2. Organization of Commission; rules and regulations; committees; meetings. The Commission shall elect a chairman from among its members, shall appoint the attorney of the Commission and shall create and fill such other offices as it may determine. It may employ such personnel as are needed and pay for their services and for other necessary expenses in accordance with the budget approved by the governing bodies concerned. The Commission shall adopt such rules and regulations not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The Commission shall meet regularly at such times and places as may be specified in its

rules and regulations, and special meetings may be called pursuant thereto. All meetings shall be open to the public.

Sec. 3. Powers, duties and functions. If the Gaston Regional Planning Commission is created, it shall be empowered to exercise the powers, duties, and functions of:

(a) A County Planning Board or a Joint Planning Board as defined in Section 153-9 (40) and in Article 20B, Chapter 153, of the General Statutes of North Carolina.

(b) A Municipal Redevelopment Commission as defined in Article 37, Chapter 160, of the General Statutes of North Carolina.

(c) A Municipal Planning Board as defined in Sections 160-22 to 160-24 inclusive of the General Statutes of North Carolina.

(d) A Municipal Zoning Commission as defined in Article 14, Chapter 160, of the General Statutes of North Carolina.

Sec. 4. Effect of Creation. If the Gaston Regional Planning Commission is created, it shall supersede any existing Planning Board or Zoning Commission theretofore created and the terms of office of members of such Board or Commission shall terminate at the time specified in the resolution creating the Commission or in the resolution required of additional governmental units coming within the provisions of this Act. When comprehensive planning, zoning, subdivision, or building control regulations recommended by the Gaston Regional Planning Commission are adopted by any participating governmental unit and if the ordinance of adoption so provides, the same shall supersede any existing regulations of a like nature.

Sec. 5. Withdrawal. If the agreement under which the Gaston Regional planning Commission was created is terminated, each governmental unit shall thereupon be free to create its own local planning board or zoning commission and to adopt planning, zoning, subdivision, or building control regulations in accordance with existing statutory authority. If any participating governmental unit withdraws from the provisions of this Act, it shall also be free to create its own planning board or zoning commission and to adopt planning, zoning, subdivision, or building control regulations in accordance with existing statutory authority. A unit may withdraw after giving one year's notice to the other participating units.

Sec. 6. Joint Inspection Department. If the Gaston Regional Planning Commission is formed as provided herein, any county or municipality electing to come within the provisions of this Act may in the resolution of creation or in separate resolutions adopted in the same manner, create a joint inspection department or other agency for the enforcement of any zoning, subdivision, planning or building ordinance or regulation adopted by any participating governmental unit.

Sec. 7. Monetary Application. Any county or municipality electing to come within the provisions of this Act is authorized to make appropriations to support the Gaston Regional Planning Commission and any joint enforcement agency created, including technical staff services therefor.

Sec. 8. Authority to require installation of improvements prior to subdivision approval. In connection with subdivision or platting controls, any participating

governmental unit may require the improvement and grading of streets, including the construction and installation of street pavement and storm drainage systems and water and sewer systems, according to approved engineering plans and street profiles, as a condition precedent to approval of the plat. The requirement may provide for tentative approval of the plat prior to such improvement and installation; but any such tentative approval shall not be entered on the plat. The requirement may provide that in lieu of completion of the work and installations prior to final approval of a plat, any participating governmental unit may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the appropriate governmental unit the actual construction and installation of the improvements and utilities within the period specified by the participating governmental unit and expressed in the bond. The appropriate governmental unit is empowered to enforce the bond by all appropriate legal and equitable remedies.

Sec. 9. Retention of Legislative Authority. Any governmental unit joining the Gaston Regional Planning Commission shall retain its legislative authority over all planning, zoning, subdivision, and building control regulations and matters unless such authority is expressly delegated to and accepted by the Gaston County Board of Commissioners pursuant to resolution of the governing bodies concerned.

Sec. 10. Reference of other matters to Gaston Regional Planning Commission. The governing body of any participating governmental unit may by ordinance or resolution, provide for the reference of other matters or class of matters pertaining to planning, zoning, subdivision, and building control regulations to the Gaston Regional Planning Commission before final action is taken by the governmental unit concerned. The Gaston Regional Planning Commission shall conduct the necessary public hearings with respect to such matters as the ordinance or resolution of reference may direct.

Sec. 11. Powers granted herein supplementary. The powers granted by this Act shall be deemed supplementary to any powers heretofore or hereafter granted by any other law, either general, special or local, for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from the provisions of such other law, the Gaston Regional Planning Commission and the governing body of any county or municipality electing to come within the provisions hereof may in their discretion proceed in accordance with the provisions of such other law, or, as an alternative method, in accordance with the provisions of this Act.

Sec. 12. Additions. Any municipality or county may come within the provisions of this Act at any time with the approval of all participating governmental units, after the matter has first been referred to the Gaston Regional Planning Commission for its recommendation, through the adoption of an appropriate resolution by the governing body of such municipality or county, which resolution must contain permission and authorization for the Gaston Regional Planning Commission to exercise the powers and duties set forth herein.

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.