

ORDINANCE A

(Enacting the LUMO Text Amendment)

AN ORDINANCE AMENDING ARTICLE 8 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO REVISE RULES FOR ADVISORY BOARDS AND COMMISSIONS (2025-__-__/O-#)

WHEREAS, in response to a petition from Council members, over fourteen months Town staff assessed Town advisory boards and commissions; and

WHEREAS, one of the central recommendations of that assessment was for consistent, standard board practices, policies, and procedures; and

WHEREAS, each of the boards and commissions established in the Land Use Management Ordinance, which include the Planning Commission, the Board of Adjustment, the Historic District Commission, and the Community Design Commission, has seen challenges in filling vacancies, suggesting a warranted reduction in membership; and

WHEREAS, on April 9, 2025, the Town Council called a legislative hearing to consider a text amendment to the Land Use Management Ordinance related to rules for advisory boards and commissions for membership, powers, quorum, and/or voting; and

WHEREAS, the Planning Commission reviewed the proposed text amendment on May 6, 2025 and recommended that the Council deny the text amendment; and

WHEREAS, an accompanying resolution would amend the Advisory Board Membership Policy of the Town of Chapel Hill, to provide consistency with the revisions detailed in this Ordinance; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance to revise rules for advisory boards and commissions and finds that the amendment is in the public's interest and is:

- Consistent with the Town's Comprehensive Plan, per NCGS 160D-605; and
- Warranted because of changing conditions and warranted to achieve the purposes of the Comprehensive Plan, per LUMO 4.4

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A – Land Use Management, Article 8 – Administrative Mechanisms be amended as follows:

SECTION 1

Section 8.2.1. Establishment of the commission; Charge; Qualifications is hereby revised to read as follows:

"A planning commission, consisting of ~~ten (10)~~ **seven (7)** members ~~positions~~, is hereby established. The charge of the commission is to assist the council in achieving the town's comprehensive plan for orderly growth and development by analyzing, evaluating and recommending responsible town policies, ordinances and planning standards that manage land use and involving the community in long-range planning.

Members shall be appointed in accordance with the council's advisory board membership policy and shall include one (1) extraterritorial planning jurisdiction (ETJ) resident and one (1) additional representative from the joint planning area or the extraterritorial jurisdiction as outlined in the joint planning agreement. 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."

SECTION 2

Section 8.2.7 Quorum and Voting is hereby revised to read as follows:

"A quorum of the commission, necessary to take any official, shall consist of ~~six (6)~~ members **a majority of total member positions.**

The concurring vote of ~~five (5) members~~ **a majority of the members of the commission** shall be necessary to take any official action to approve or deny an application or permit. **Vacant positions on the commission and members who are disqualified from voting shall not be considered members of the commission for the calculation of the requisite majority for voting purposes.**

The concurring majority vote of the quorum shall be necessary to conduct other business, including making a recommendation on an application to be considered by the council."

SECTION 3

Section 8.3.1 Establishment of the Board; Qualifications is hereby revised to read as follows:

"A board of adjustment, consisting of ~~ten (10)~~ **seven (7)** members **positions,** is hereby established. ~~Eight (8) members, appointed by the council, shall reside within the corporate limits of Chapel Hill.~~ **Members shall be appointed in accordance with the council's advisory board membership policy and shall include** One (1) member, appointed by the Orange County Board of Commissioners, ~~shall reside~~ **residing** within the town's extraterritorial zoning jurisdiction and one additional representative from the joint planning area or the extraterritorial jurisdiction as outlined in the joint planning agreement. There shall be three (3) alternate members **positions. Alternate members shall be appointed in accordance with the council's advisory board membership policy and shall include** ~~Two (2) alternate members appointed by the council, shall reside within the corporate limits of Chapel Hill. One (1) alternate member, appointed by the Orange County Board of Commissioners, shall reside~~ **residing** within the town's extraterritorial zoning jurisdiction or the joint planning ~~transition~~ area. Alternate members shall sit as regular members on any matter arising from their respective extraterritorial or transition areas and may sit as regular members on any matter in the absence of the regular member. The council may provide for the appointment of such additional number of alternate members as it may in its discretion deem appropriate. Members shall serve without compensation.

The council or county board of commissioners, as appropriate, may appoint alternate members to serve on the board in the absence of any appointed members. Alternate

members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member."

SECTION 4

Section 8.3.7 Quorum and Voting is hereby revised to read as follows:

"A quorum of the commission, necessary to take any official action, shall consist of ~~six (6) members~~ **a majority of total member positions.**

- (a) The concurring vote four-fifths ($\frac{4}{5}$) of the membership **positions** of the board shall be necessary in order to grant a variance.
- (b) The concurring vote of a majority of the members **of the board** shall decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. **Vacant positions on the board and members who are disqualified from voting shall not be considered members of the board for the calculation of the requisite majority for voting purposes.**
- (c) The concurring vote of a majority of ~~those members present~~ **the quorum** shall be necessary to conduct routine business of the board."

SECTION 5

Section 8.4.1 Establishment of the Commission is hereby revised to read as follows:

"A historic district commission, consisting of ~~nine (9)~~ **seven (7)** members **positions** appointed by the council, is hereby established."

SECTION 6

Section 8.4.9 Quorum and Voting is hereby revised to read as follows:

"A quorum of the commission, necessary to take any official action, shall consist of ~~six (6) members~~ **a majority of total member positions.**

The concurring vote of a majority of the membership of the commission shall be necessary to take any official action to approve or deny an application or permit. Vacant positions on the ~~board~~ **commission** and members who are disqualified from voting shall not be considered members of the ~~board~~ **commission** for the calculation of the requisite majority **for voting purposes.**

The concurring majority vote of the quorum shall be necessary to conduct other business, including making a recommendation on an application to be considered by the council."

SECTION 7

Section 8.5.1. Establishment of the Commission; Charge is hereby revised to read as follows:

"A Community Design Commission, consisting of **seven (7)** members **positions** appointed in accordance with the council's advisory board membership policy, is hereby established. The charge of the commission is to assist the council in guiding the town's vision on aesthetics, character and function to focus community growth through advice, advocacy, and implementation of the council's policies and review of proposed development in key areas of the community."

SECTION 8

Section 8.5.5. Powers of the Commission, items (s) and (t) in the list provided therein, is hereby revised to read as follows:

- "(s) To review alternative landscape bufferyards in accordance with subsection 5.6.6 of this appendix. **Should the community design commission not be a minimally constituted board, then this function shall be fulfilled by the town manager;** and
- (t) To hear and decide applications for certificates of appropriateness in the Blue Hill District in accord with section 3.11 of this appendix. **Should the community design commission not be a minimally constituted board, then this function shall be fulfilled by the town manager."**

SECTION 9

Section 8.5.8. Quorum and voting is hereby revised to read as follows:

"A quorum of the commission, **necessary to take any official action**, shall be defined in accordance with the council's advisory board membership policy, **consist of a majority of total member positions.**

The concurring vote of a majority of the members of the commission shall be necessary to take any official action to approve or deny an application or permit. Vacant positions on the commission and members who are disqualified from voting shall not be considered members of the commission for the calculation of the requisite majority for voting purposes.

The A concurring majority vote of the quorum shall be necessary to take action or conduct other business, including making a recommendation on an application to be considered by the council shall be defined in accordance with the council's advisory board membership policy."

SECTION 9

This ordinance shall be effective September 1, 2025.

This the ___ day of ___, 2025.