

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING ARTICLE 8, SECTION 8.3 AND SECTION 8.4 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO ATTENDANCE AND LENGTH OF TERM FOR THE BOARD OF ADJUSTMENT AND THE HISTORIC DISTRICT COMMISSION AND TO REDUCE THE MEMBERSHIP ON THE HISTORIC DISTRICT COMMISSION (2018-12-05/O-3)

WHEREAS, the Council Committee on Boards and Commissions met on September 20, 2018 to consider information regarding advisory board alignment, length of term, board member attendance, and the Historic District resident seat on the Community Design Commission; and

WHEREAS, the Council Committee recommends amending the length of term clause under policies and procedures in the Advisory Board Membership Policy¹ to remove the succession of members for positions where a replacement has not been made; and

WHEREAS, the Council Committee recommends amending the attendance clause under policies and procedures in the Advisory Board Membership Policy to recognize that any member of the board, commission, or committee who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the board, commission or committee, and shall be replaced by the Council or Orange County Board of Commissioners, as appropriate, provided that special extenuating circumstances may be a basis for automatic removal to be reconsidered by the Council on a case by case basis; and

WHEREAS, the Historic District Commission requested that the total membership for its board be reduced to nine members to avoid the potential for a tie vote; and

WHEREAS, as the Council has an interest to simplify the process to amend the rules as it pertains to the advisory board membership, it requests, where possible, that the staff consolidate this information in the advisory board membership policy and remove it from the Land Use Management Ordinance. This is similarly reflected in the related sections for the Planning Commission and Community Design Commission; and

WHEREAS, on October 17, 2018, the Council authorized the Town Manager to act on the Council Committee on Boards and Commissions recommendations, by preparing an item to amend the advisory board membership policy and relevant sections of the Code of Ordinances; and

WHEREAS, staff shared the potential changes with all advisory board members via email requesting comments and invited members to attend a Joint Advisory Board meeting on November 6, 2018 prior to the Planning Commission meeting, due to the large number of changes. In the future, a Joint Advisory Board meeting may be considered based on the number of changes or complexity of change; however, this may not be necessary for all amendments; and

¹ <https://www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy>

WHEREAS, the Planning Commission met on November 6, 2018 and made a recommendation as it pertains to the amendments to the Land Use Management Ordinance; and

WHEREAS, the Board of Adjustment met on November 12, 2018 and made a recommendation as it pertains to the amendments to the Land Use Management Ordinance, as requested by the Planning Commission; and

WHEREAS, the Council called a Public Hearing to amend Article 8, Sections 8.3 and 8.4 of the Land Use Management Ordinance as it relates to Attendance at Meetings and Tenure and the Historic District Commission Membership for the Council's November 14, 2018 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 8, Sections 8.3 and 8.4 related to the Board of Adjustment and Historic District Commission, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A community of high civic engagement and participation (Create a Place for Everyone.5)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan (Develop Good Places New Spaces.3)

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 Ordinance, Article 8, Administrative Mechanisms be amended as follows:

Section 1 - Section 8.3.6. Attendance at Meetings for the Board of Adjustment is hereby revised to read as follows:

"8.3.6. Attendance at Meetings.

~~Any member of the board who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the board, and shall be replaced or reappointed by the council or county board of commissioners, as appropriate. Absence due to 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. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

Section 2 - Section 8.3.2. Tenure for the Board of Adjustment is hereby revised to read as follows:

"8.3.2. Tenure.

~~Members of the board shall be appointed to serve terms of three (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. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

Section 3 - Section 8.4.1 Establishment of the Commission is hereby revised to read as follows:

"8.4.1. Establishment of the Commission.

A historic district commission, consisting of ~~ten (10)~~ nine (9) members appointed by the council, is hereby established."

Section 4 - Section 8.4.3. Tenure for the Historic District Commission is hereby revised to read as follows:

"8.4.3. Tenure.

~~Members of the commission shall be appointed to serve terms of three (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. Members of the commission shall be appointed in accordance with the council's advisory board membership policy."~~

Section 5 - Section 8.4.8. Attendance at Meetings for the Historic District Commission is hereby revised to read as follows:

"8.4.8. Attendance at Meetings.

~~Any member of the commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the commission, and shall be replaced or reappointed by the council. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

Section 6. This ordinance shall be effective upon enactment.

This the 5th day of December, 2018.