

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 THE ADVISORY BOARD OFFICER CLAUSE FOR THE BOARD OF ADJUSTMENT AND THE HISTORIC DISTRICT COMMISSION (2020-01-08/O-2)

WHEREAS, the Parks, Greenways, and Recreation Commission petitioned the Town Council to permit the current officers to serve an additional year and recommended a change to policy; and

WHEREAS, on September 23, 2019, the Council Committee on Boards and Commission discussed adjusting the term limitations for advisory board officers after individual Council members heard from multiple boards regarding their challenges to fill the officer positions; and

WHEREAS, the Council Committee on Boards and Commissions recommended that the full Council consider amending the Advisory Board Membership Policy to allow a member to serve as a Vice-Chair for a maximum of two consecutive years, and also be eligible to serve as a Chair for a maximum of two consecutive years (thus no officer would serve more than four consecutive years) and further, recommended that the Council amend the relevant sections of the Town Code of Ordinances to refer to the Advisory Board Membership Policy; and

WHEREAS, on November 13, 2019, the Council adopted a resolution to amend the Advisory Board Membership Policy to expand the term length for advisory board officers and called a public hearing to amend the Land Use Management Ordinance; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Article 8, Sections 8.3 and 8.4 on January 7, 2020 and recommended that the Council enact the text amendments; 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 expanding the term length for advisory board officers for the Council's January 8, 2020 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 (Goal 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 (Goal Nurture our Community.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan (Goal 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 – Board of Adjustment, Section 8.3.3. Officers, is hereby revised to read as follows:

“8.3.3. Officers.

~~The board shall elect one (1) member to serve as chair and preside over its meetings, and shall create and fill such offices and committees as it may deem necessary. The term of the chair and other offices shall be one (1) year, with eligibility for reelection to a second term. Officers and terms of officers shall be in accordance with the council's advisory board membership policy.~~ The chair or any member temporarily acting as chair is authorized to administer oaths to any witnesses in any matter coming before the board.”

Section 2. Section 8.4 – Historic District Commission, Section 8.4.4. Officers, is hereby revised to read as follows:

“8.4.4. Officers.

Officers and terms of officers shall be in accordance with the council's advisory board membership policy. ~~The commission shall elect one (1) member to serve as chair and preside over its meetings, and shall create and fill such offices and committees as it may deem necessary. The term of the chair and other officers shall be one (1) year, with eligibility for re-election to a second term.”~~

Section 3. This ordinance shall be effective upon enactment.

This the 8th day of January, 2020.