



PUBLIC HEARING: APPLICATION FOR LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT- ADVISORY BOARDS VOTING PROCEDURES

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Ben Hitchings, Director
Judy Johnson, Operations Manager
Aaron Frank, Senior Planner

<p>AMENDMENT REQUEST Amend LUMO Sections 8.2.7, 8.4.9, and 8.5.8 regarding the quorum and voting procedures of the Planning Commission, Historic District Commission, and Community Design Commission.</p>	<p>DATE June 20, 2018</p>	<p>APPLICANT Town of Chapel Hill Planning and Development Services</p>
<p>STAFF RECOMMENDATION That the Council open the Public Hearing, receive public comment, and continue the public hearing to June 27, 2018.</p>		
<p>PROCESS The application is before the Council for approval of a Text Amendment. The Council must consider the three findings for enactment of the Land Use Management Ordinance Text Amendment:</p> <ol style="list-style-type: none"> 1. To correct a manifest error in the chapter; or 2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or 3. To achieve the purposes of the Comprehensive Plan. 	<p>DECISION POINTS</p> <ul style="list-style-type: none"> • The text amendment is in response to a Council resolution to change the advisory board voting requirements. • The Town Attorney provided recommended alternative voting procedures, and each of the advisory boards offered feedback. 	
<p>PROJECT OVERVIEW Proposed for your consideration is an ordinance amendment to modify the voting requirements of the Planning Commission, Historic District Commission, and Community Design Commission. The proposed changes would increase the necessary concurring votes in order to take action on an application. This ordinance amendment also changes quorum for the Planning Commission and Historic District Commission to comport with NC General Statutes.</p>		
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Technical Report 2. Draft Staff Presentation 3. Resolution of Consistency 4. Ordinance A (Enactment of Text Amendment Proposal) 5. Resolution A (Deny Text Amendment Proposal) 6. Advisory Board Recommendation 	



TECHNICAL REPORT

SUMMARY OF PROPOSED CHANGES

This proposed ordinance amendment is in response to a Council resolution that called for a public hearing to amend the Land Use Management Ordinance (LUMO) to change the vote required for those boards to make decisions on applications. The proposed changes also bring the voting procedures, for the Planning Commission, Historic District, and Community Design Commission, into compliance with North Carolina Open Meetings Laws. Changes to the voting procedures of the Board of Adjustment are not recommended because its voting rules are in accordance with state law.

Possible changes to quorum and voting procedures are provided below:

QUORUM

A change to the definition of quorum for the Planning Commission and Historic District Commission is proposed with this ordinance amendment.

	TOTAL MEMBERSHIP	CURRENT QUORUM	PROPOSED QUORUM
PLANNING COMMISSION	10 Members	5	6
HISTORIC DISTRICT COMMISSION	10 Members	5	6
COMMUNITY DESIGN COMMISSION	9 Members	5	5

Following Council adoption of revised voting procedures, staff recommends each of the advisory boards modify its rules of procedure to comply with the adopted provisions in the LUMO.

VOTING PROCEDURES

	VOTING PROCEDURES	
	Action on Applications	Action On Other Business)
TODAY'S REGULATIONS	Simple majority of members present in order to take action on an application. <i>(3 required votes for a 5 person quorum.)</i>	
ATTORNEY'S PROPOSAL	<p>Recommendation Majority vote of the membership (excluding vacant seats and persons excused from voting) to decide any application</p> <p>Alternative 1: A concurring vote of half of the membership, excluding vacant seats and persons excused from voting; or</p> <p>Alternative 2: A majority vote of those in attendance, and at least 4 votes.</p>	Majority vote of the quorum to conduct other business of the particular board, including making a recommendation on an application to be considered by the Council. (The actual vote on any recommendation would be included in the board's report to the Council.)

Advisory Board Recommendations		
<p>PLANNING COMMISSION (Members 10)</p>	<p>Concurring vote of five (5) votes to take action or make a recommendation if the full membership, excluding vacant seats and persons excused from voting, is present.</p> <p>Minimum of four (4) concurring votes would be necessary to take action or make a recommendation if the full membership isn't present. (Alternative 1 & 2)</p>	<p>Same as voting procedures on applications.</p>
<p>HISTORIC DISTRICT COMMISSION (Members 10)</p>	<p>Concurring vote of half of the membership, excluding vacant seats and persons excused from voting, to take action. (Alternative 1)</p>	<p>A majority (4) vote of the quorum to conduct other business of the particular board, including making a recommendation on an application to be considered by the Council. (The actual vote on any recommendation would be included in the board's report to the Council.)</p>
<p>COMMUNITY DESIGN COMMISSION (Members 9)</p>	<p>Concurring vote of the majority (5) of the membership to decide any application. (Recommendation)</p>	<p>A majority (3) vote of the quorum to conduct other business of the particular board, including making a recommendation on an application to be considered by the Council. (The actual vote on any recommendation would be included in the board's report to the Council.)</p>