



AMEND THE 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 27, 2018</p>	<p>APPLICANT Town of Chapel Hill Planning and Development Services</p>
<p>UPDATES SINCE PUBLIC HEARING The text amendment has been modified to establish a minimum requirement of 5 votes for decision actions of the Planning Commission, Historic District Commission, and Community Design Commission in response to Council feedback at the June 20, 2018 Public Hearing.</p>		
<p>TOWN MANAGER’S RECOMMENDATION I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the application</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 Council discussion 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 be consistent 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

CHANGES FROM THE PUBLIC HEARING - VOTING PROCEDURES

Council discussed two voting procedure options at the Public Hearing; 1) establish unique voting requirements for each of the Commissions, based on the Commission recommendations provided; 2) establish a standard voting requirement of five (5) votes for all of the Commissions. This approach is based on the result of each Commission’s recommendation when the Commissions are at full membership.

In response to Council feedback, staff recommends a minimum of five (5) concurring votes be required for each of the Commissions to take action on any application. This approach requires the most affirmative votes of the proposed voting procedures, and establishes a consistent decision-making process across these three Commissions.

	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>	Simple majority of members present in order to take action on an application. <i>(3 required votes for a 5 person quorum.)</i>
STAFF RECOMMENDATION	A minimum of five (5) concurring votes shall be required to take action. This applies to the Planning Commission, Historic District Commission, and the Community Design Commission.	Simple majority of members present in order to make a recommendation or conduct other business of the Board. <i>(3 required votes for a 5 person quorum; 4 required votes for a 6 person quorum.)</i>