

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1003
HOUSE BILL 1732

AN ACT TO AMEND CHAPTER 87, SESSION LAWS OF 1961, AS AMENDED,
PERTAINING TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. Chapter 87, Session Laws of 1961, pertaining to the Charter of the Town of Chapel Hill, as amended, be, and the same is hereby further amended by adding a new section to be designated 5.84.1 to read as follows:

"Sec. 5.84.1. Planning Agency.-If the Board of Aldermen desires to exercise the powers granted by this Article or by general law, and if the Board of Aldermen exercises extraterritorial jurisdiction within both Orange and Durham Counties, it shall by Ordinance create a planning agency whose members shall be appointed as follows:

Six members shall be appointed by the Board of Aldermen, and shall be citizens and residents of said Town;

Four members shall be appointed by the Orange County Board of Commissioners, and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill in Orange County as defined by this Article, and established under Article 19 of Chapter 160A of the General Statutes;

Two members shall be appointed by the Durham County Board of Commissioners, and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill lying within the County of Durham as established pursuant to Article 19 of Chapter 160A of the General Statutes.

This Planning Board shall be empowered to exercise the powers, duties, and functions of a municipal planning board as defined in Article 19 of Chapter 160A of the General Statutes. Members shall be appointed for five year terms, or until their respective successors have been appointed and qualified, provided that the initial appointees may be appointed to shorter terms of varying duration to the end that the terms of no more than three members shall expire in any one year. The jurisdiction of this Board shall include all of the area defined in Section 5.82 hereof including both the territory within the corporate limits of the Town of Chapel Hill and the outside territory over which the Chapel Hill Board of Aldermen is granted jurisdiction by this Article, and other outside territory lying within Durham or Orange Counties over which the Chapel Hill Board of Aldermen is granted jurisdiction by Chapter 767 of the Session Laws of 1967, and Chapter 1088, Session Laws of 1969, and Article 19 of Chapter 160A of the General Statutes.

Sec. 2. Chapter 87 of the Session Laws of 1961 pertaining to the Charter of the Town of Chapel Hill, as amended, be, and the same is hereby further amended by

adding a new section to be designated Section 5.85.1, Zoning Board of Adjustment to read as follows:

"Sec. 5.85.1. Zoning Board of Adjustment.-If the Board of Aldermen should adopt a zoning ordinance for the territory beyond the corporate limits of Chapel Hill as authorized by this Article, or by general law, and if the Board of Aldermen exercises extraterritorial jurisdiction within both Orange and Durham Counties, it shall create a zoning Board of Adjustment whose members shall be appointed as follows:

Six members shall be appointed by the Board of Aldermen, and shall be citizens and residents of said Town;

Four members shall be appointed by the Orange County Board of Commissioners, and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill in Orange County as defined by this Article, and established under Article 19 of Chapter 160A of the General Statutes;

Two members shall be appointed by the Durham County Board of Commissioners, and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill lying within the County of Durham as established pursuant to Article 19 of Chapter 160A of the General Statutes.

Said Board of Adjustment shall have and exercise all the powers, duties, and functions enumerated in Section 160A-388 of the General Statutes. Members shall be appointed for terms of three years and until their respective successors have been appointed and qualified; provided, the the initial appointees may be appointed to shorter terms of varying duration to the end that the terms of no more than four members shall expire in any one year. There shall be a quorum of six members for the purpose of hearing cases. The concurring vote of four-fifths of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance, or (b) to decide in favor of the applicant in any matter upon which it is required to pass under any such ordinance, or (c) to affect any variation in such ordinance.

Sec. 3. In the event that the Board of Aldermen of the Town of Chapel Hill exercises extraterritorial jurisdiction in both Durham County and Orange County, then and in that event Section 5.84 and 5.85 of Chapter 87 of the Session Laws of 1961 shall no longer continue in effect, and the procedure for the appointment of members of the planning board and the board of adjustment shall be in lieu of that established by G.S. 160A-362.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1974.