

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 409  
HOUSE BILL 694

AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL AND THE TOWN OF  
CARRBORO TO CREATE A JOINT PLANNING BOARD, A JOINT BOARD OF  
ADJUSTMENT AND A JOINT INSPECTION DEPARTMENT WITHIN THEIR  
COMBINED AREA OF JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. The Chapel Hill Board of Aldermen and the Carrboro Board of Commissioners are authorized at any time to create a Chapel Hill-Carrboro Regional Planning Board, which shall serve as the planning board for both towns and the extraterritorial areas over which they exercise regulatory jurisdiction. Such creation shall be effected through the adoption by each of said governing bodies, acting individually, of a joint resolution. Said resolution shall provide the membership of the planning board, (which shall include residents of the areas outside the corporate limits of said towns but within the regulatory jurisdiction of either town, who may under the agreement be appointed by the Orange County Board of Commissioners) the terms of the members, the appointing bodies, procedures for removing or replacing members, the method for determining the financial support to be given the planning board by each governmental unit concerned, and the budgetary procedures to be followed. Said resolution may be modified, amended, or repealed at any time through unanimous action of the governmental units concerned, each unit voting individually. Either the Town of Chapel Hill or the Town of Carrboro may withdraw from such agreement at any time, on giving six months' notice to the other governing boards concerned.

Sec. 2. If a Chapel Hill-Carrboro Regional Planning Board is created as provided under Section 1 hereof, it shall be empowered to exercise the powers, duties and functions of a municipal planning board, as defined in Sections 160-22 to 160-24 of the General Statutes; of a municipal zoning commission, as defined in Article 14 of Chapter 160 of the General Statutes; of the Chapel Hill Planning Board authorized by Chapter 527 of the Session Laws of 1953, as amended; and of the Carrboro Planning Board authorized by Chapter 122 of the Session Laws of 1963; together with such other powers and duties as may be defined in the resolution under which it is created. Said planning board shall serve each town, as well as the extraterritorial area over which that town exercises regulatory jurisdiction.

If a Chapel Hill-Carrboro Regional Planning Board is created under the provisions hereof, it shall (as of the date on which its members take their oaths of office) supersede any existing planning board or zoning commission created by either the Town of

Carrboro or the Town of Chapel Hill, and the terms of office of members of each of said planning boards or zoning commissions shall terminate. Such actions shall not invalidate or otherwise affect any existing zoning, subdivision regulation, building regulation or other regulatory ordinance of either town nor affect any pending litigation.

In the event that the agreement under which the Chapel Hill-Carrboro Regional Planning Board was created is terminated, each town shall thereupon be free to create its own local planning board or zoning commission in accord with existing statutory authority. Such action shall not invalidate or otherwise affect any existing zoning, subdivision regulation, building regulation, or other regulatory ordinance of either town nor affect any pending litigation.

Sec. 3. If a Chapel Hill-Carrboro Regional Planning Board is created as provided under Section 1 hereof, the Chapel Hill Board of Aldermen and the Carrboro Board of Commissioners may, in the same resolution or in separate resolutions adopted in the same manner, create a Chapel Hill-Carrboro Zoning Board of Adjustment and/or a joint inspection department or other enforcement agency for the enforcement of the Chapel Hill and Carrboro zoning ordinances, subdivision regulations, or other regulations adopted by either of said towns. The Chapel Hill Board of Aldermen and the Carrboro Board of Commissioners are authorized to make such appropriations to support the Regional Planning Board, the Zoning Board of Adjustment, and the joint enforcement agency as they may deem necessary to carry out the purposes of their creation, including the provision of technical staff services for such agencies.

Sec. 4. If the Chapel Hill Board of Aldermen and the Carrboro Board of Commissioners create a Chapel Hill-Carrboro Zoning Board of Adjustment as provided in Section 3 hereof, the resolution creating said board shall provide the membership of the board (which shall not be less than five members and which shall include residents of the area outside the corporate limits of said towns but within the regulatory jurisdiction of either town, who may under the agreement be appointed by the Orange County Board of Commissioners), the terms of the members, the appointing bodies, procedures for removing or replacing members, the method for determining the financial support to be given the board by each governmental unit concerned, and the budgetary procedures to be followed. Said resolution may be modified, amended, or repealed at any time through unanimous action of the governmental units concerned, each unit voting individually. Either the Town of Chapel Hill or the Town of Carrboro may withdraw from such agreement at any time, on giving six months' notice to the other governing boards concerned.

The Chapel Hill-Carrboro Zoning Board of Adjustment shall have and exercise all the powers and duties specified in Section 160-178 of the General Statutes of North Carolina and shall exercise such powers and duties in connection with any zoning ordinance adopted by either governing board concerned. The resolution creating the board shall establish the quorum for meetings of the board. 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 any matter upon which it is required to pass under such ordinance, or ( c) to effect any variation in such ordinance.

If a Chapel Hill-Carrboro Zoning Board of Adjustment is created under the provisions hereof, it shall (as of the date on which its members take their oaths of office) supersede any existing boards of adjustment created by either the Town of Carrboro or the Town of Chapel Hill, and the terms of office of members of such boards of adjustment shall terminate. Such action shall not invalidate or otherwise affect any existing zoning ordinance of either town nor affect any pending litigation.

In the event that the agreement under which the Chapel Hill-Carrboro Zoning Board of Adjustment was created is terminated, each town shall thereupon be free to create its own individual zoning board of adjustment in accord with existing statutory authority. Such action shall not invalidate or otherwise affect any existing zoning ordinance of either town nor affect any pending litigation.

Sec. 5. The creation of a Chapel Hill-Carrboro Regional Planning Board, a Chapel Hill-Carrboro Zoning Board of Adjustment, or a joint inspection department or other enforcement agency pursuant to this Act shall not affect the validity of any regulatory ordinance of either the Town of Chapel Hill or the Town of Carrboro which is in existence at the time of such creation, it being the intent of this Act merely to permit a unified administrative organization for administering such ordinances.

Sec. 6. The powers granted to the Chapel Hill Board of Aldermen and the Carrboro Board of Commissioners by this Act are intended to be supplementary to any powers which have heretofore been granted, or which may hereafter be granted, to such governing bodies under other provisions of law. The exercise of the powers granted by this Act shall be within the discretion of such governing bodies. Unless and until such governing bodies exercise such discretion, this Act shall have no effect upon the administrative organization or any ordinance of the Town of Chapel Hill or the Town of Carrboro.

Sec. 7. If any Section, subsection, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, subsection, subdivision, clause, or provision so adjudged, and the remainder of this Act shall be deemed valid and effective.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1963.