

STAFF REPORT

Amendments to the Unified Development Ordinance

October 13, 2026 Town Council Meeting



Proposed amendments to the Unified Development Ordinance in this staff report include additions shown as bold, underlined text and deletions shown as struck-through text.

Requested by Town Council:

1. **Amendments to Secs. 2.1.2 *Review and Decision-making Bodies, Planning Board* and 2.1.3 *Review and Decision-making Bodies, Board of Adjustment* in order to change the method for how advisory board members are appointed.**

Background: The proposed amendments establish consistent timelines for mayoral recommendations for vacancies on the Planning Board and Board of Adjustment. The amendments also allow for the Town Council to appoint qualified candidates other than those recommended by the Mayor or when no recommendation from the Mayor has been received. The amendments do not change board composition, member qualifications, or appointment authority assigned to another governing body by state law.

2.1 Review and Decision-Making Bodies

2.1.2 Planning Board

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B) *Membership*

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4) *Appointment. Members shall be appointed as follows:*

- a) Regular members of the Planning Board from the **Town's extraterritorial jurisdiction (ETJ)** shall be appointed by the Wake County Board of County Commissioners. **The Town Council may provide membership recommendations to the Wake County Board of County Commissioners prior to appointment.**
- b) Regular members of the Planning Board **within the corporate limits of the Town** ~~from the Town~~ shall be recommended by the Mayor and appointed by the Town Council.
- c) The regular member of the Planning Board who resides outside the corporate limits and **extraterritorial jurisdiction (ETJ)**, but within the area covered by the Town's 2045 Land Use Map shall be recommended by the Mayor and appointed by the Town Council.
- d) The non-voting youth representative of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.
- e) **Membership recommendations made by the Mayor shall be provided to the Town Clerk no less than 30 calendar days prior to the expiration of a membership term. In the event of a vacancy not resulting from the scheduled expiration of a membership term, Mayor recommendations shall be provided to the Town Clerk no later than 30 calendar days after receipt of written notice of the vacancy from the Town Clerk.**
- f) **Notwithstanding anything to the contrary in subsections (a)-(d), the Town**

Council may elect not to appoint an applicant recommended by the Mayor, in which case the Town Council shall appoint another qualified applicant without further recommendation from the Mayor. If no recommendation is provided by the Mayor within the applicable timeframe established in subsection (e), the Town Council may appoint a qualified applicant without a recommendation from the Mayor.

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2.1.3 Board of Adjustment

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B) *Membership*

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4) *Appointment.* Members shall be appointed as follows:

- a) Regular members of the Board of Adjustment from the Town's ETJ shall be appointed by the Wake County Board of County Commissioners ~~of Wake County~~. The Town Council may provide membership recommendations to the Wake County Board of County Commissioners prior to appointment.
- b) Regular members of the Board of Adjustment who reside within the corporate limits of the ~~from the~~ Town shall be recommended by the Mayor and appointed by the Town Council.
- c) Alternate members of the Board of Adjustment who reside within the corporate limits of the Town shall be recommended by the Mayor and appointed by the Town Council.
- d) Membership recommendations made by the Mayor shall be provided to the Town Clerk no less than 30 calendar days prior to the expiration of a membership term. In the event of a vacancy not resulting from the scheduled expiration of a membership term, Mayor recommendations shall be provided to the Town Clerk no later than 30 calendar days after receipt of written notice of the vacancy from the Town Clerk.
- e) Notwithstanding anything to the contrary in subsections (a)-(c), the Town Council may elect not to appoint an applicant recommended by the Mayor, in which case the Town Council shall appoint another qualified applicant without further recommendation from the Mayor. If no recommendation is provided by the Mayor within the applicable timeframe established in subsection (d), the Town Council may appoint a qualified applicant without a recommendation from the Mayor.

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PLANNING STAFF RECOMMENDATION:

Planning staff have not provided a recommendation on the proposed amendment as the proposal primarily addresses policy and administrative considerations rather than matters typically addressed through the planning process.

PLANNING BOARD RECOMMENDATION:

At their September 14, 2026, meeting, the Planning Board voted to continue this item until the October 12, 2026, Planning Board meeting. The motion to continue passed by a vote of 7 to 2. The dissenting votes have been included with the Planning Board Report to Town Council for that meeting.

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The Planning Board's recommendation will be determined at the October 12, 2026, Planning Board meeting and will be shared at the October 13, 2026, Town Council meeting.