

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING  
TO ADVISORY BOARDS AND COMMISSIONS

**\*\*DRAFT 08-21-24\*\***

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

**Section 1.** Section 15-21 (Appointment and Terms of Planning Board Members) of the Carrboro Land Use Ordinance is amended by revising subsection (e)(2) and adding two new subsections (f) and (g) to read as follows:

(e)(2) Members shall be removed if they have three (3) unexcused absences, or if they miss more than thirty percent of the meetings during a twelve-month period. The town clerk shall send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.

(f) In making appointments to the planning board, the Town Council shall seek to appoint persons with impartial and broad judgment, a wide range of community interests and when possible, persons with training or experience in a design or legal profession. The Town Council shall seek to appoint at least one person who lives in a neighborhood preservation district, one person who lives in an historic preservation district, and three persons who have demonstrated special interest, experience, or education in history, architecture, or related fields as required per G.S. 160D-303.

(g) Members of the planning board shall be administered an oath of office as prescribed by G.S. 160D-309.

**Section 2.** Section 15-22 (Meetings of the Planning Board) of the Carrboro Land Use Ordinance is amended by adding a new subsection (b1) to read as follows:

(b1) When the board is acting in its capacity as the historic district commission pursuant to Article XXI it shall conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V and VI.

**Section 3.** Section 15-25 (Powers and Duties of the Planning Board) is amended by adding four new subdivisions (5-8) under subsection (a) and renumbering the existing subdivision (a)(5) to (a)(9), and by adding two new subsections (b) and (c), and renumbering the existing subsection (b) to subsection (d) as follows:

(a) The planning board may:

- (1) Make studies and recommend to the Town Council plans, goals and objectives relating to the growth, development and redevelopment of the town and the surrounding extraterritorial planning area.
- (2) Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

- (3) Make recommendations to the Town Council concerning proposed special use permits-A, and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.
- (4) Make recommendations to the board of adjustment concerning proposed special use permits-B as provided by Section 15-56. **(AMENDED 6/22/21)**
- (5) Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
- (6) Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs.
- (7) Direct the attention of the mayor and the Town Council to ways in which the town government may take action affecting the appearance of the town and its environs.
- (8) Appoint subcommittees (consisting of planning board members) or advisory groups (consisting of board members, persons who are not board members or any combination thereof ) to advise and assist the board in carrying out its duties.
- (9) Perform any other duties assigned by the Town Council.

(b) The planning board shall in its duties as the Historic District Commission provide an annual report, orally or in writing, to the Town Council, as necessary to comply with the provisions of Section 15-337 of this chapter.

(c) The planning board shall exercise all of the powers and duties of the neighborhood preservation district commission as set forth in Article XXI, Part 1, of this chapter.

(d) The planning board shall exercise all of the powers and duties of the historic district commission as set forth in Article XXI, Part 2 of this chapter.

(e) The planning board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

**Section 4.** Section 15-26 (Advisory Committees) is rewritten to modify the Northern Transition Area Advisory Committee from a standalone advisory committee to a subcommittee of the Planning Board. Section 15-26 is rewritten to read as follows:

Section 15-26 Advisory Committees.

(a) From time to time, the Town Council may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Town Council may appoint advisory committees to consider long range transportation plans, including pedestrian and bicycle plans, housing plans, economic development plans, etc.. **(AMENDED 6/22/21)**

(b) Members of such advisory committees shall sit as nonvoting members of the planning board when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Town Council shall be made by the planning board.

- (1) There shall be a Northern Transition Area subcommittee to the Planning Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Town Council. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. All members shall be residents of the Northern Transition Area. For the purposes of this section, the Northern Transition Area shall include those unannexed portions of the Northern Study Area. The Northern Study Area is defined as follows:

The boundaries of this area are Carrboro's joint planning jurisdiction line to the north and Carrboro's Town limits to the south. The Carrboro/Chapel Hill joint planning jurisdiction line serves as the boundary to the east. It begins north of Eubanks Road, follows Rogers Road to Homestead, then proceeds southwest on Homestead Road to High School Road and finally turns south and east to the railroad right-of-way. A primary ridge line serves as the northwest boundary line just east of Union Grove Church Road down to Dairyland Road, where the road serves as the boundary heading southeast until it intersects, and Old NC 86 serves as the boundary then turning southeast and running along Hillsborough Road to Greensboro Street.

- (2) Members of the committee shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Initially the terms of all membership seats on the committee shall expire on January 31, 2000. Thereafter, one county appointee and one town appointee shall be appointed for three-year terms, one county appointee and one town appointee shall be appointed for two-year terms, and one county appointee shall be appointed for a term of one year. All members shall thereafter be appointed for terms of three years but shall be limited to no more than two consecutive three-year terms.
- (3) The same provisions that govern the removal of planning board members (Subsection 15-21(e)) shall apply to subcommittee members.
- (4) The subcommittee shall meet as necessary fulfill its duties as described below:
  - a. Review zoning amendment requests and special use permit applications for developments within the Northern Transition Area and make advisory recommendations on the same to the board of adjustment or Town Council, respectively. **(AMENDED 6/22/21)**
  - b. Initiate studies related to the special character of the Northern Study Area.

1. Inventory of areas of cultural, archaeological, or historical significance.
  2. Inventory of open space character and scenic qualities.
  3. Inventory of agricultural uses
    - a. Land in Use Value
      1. Horticultural
      2. Agricultural
      3. Timber
    - b. Farming as business
      1. Large field crops
      2. Metro farms, specialty crops
  4. Inventory of biological value
    - a. Tree species diversity, exceptional tracts of forest land
    - b. Rare occurrences (i.e. Upland Depression Swamp)
    - c. Wildlife
      1. Audubon annual bird count
      2. Deer population
- c. Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans, ordinances, and administrative actions that will preserve and enhance that special character and relate to its growth. **(AMENDED)**.
  - d. Develop and recommend to the Town Council policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.
  - f. Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.
  - g. Submit regular reports to the Orange County Board of Commissioners.
  - h. Perform other duties as assigned by the Town Council.

**Section 5.** Section 15-27 (Northern Transition Area Advisory Committee) is hereby repealed.

**Section 6.** Section 15-29 (Appointment and Terms of Board of Adjustment) of the Carrboro Land Use Ordinance is amended by revising subsection (d)(2) to read as follows:

- (2) Members shall be removed if they have three (3) unexcused absences, or if they miss more than thirty percent of the meetings during a twelve-month period. The town clerk shall send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.

**Section 7.** Article III, Part V. Appearance Commission – repealed and rewritten to read as follows:

**PART V. TRANSPORTATION ADVISORY BOARD**

15-42 Appointment and Terms of Transportation Advisory Board.

(a) There shall be a Transportation Advisory Board (TAB) consisting of eight members appointed by the Council. Six members shall be residents of the Town, and one member shall be a resident either of the Town, the Town’s extraterritorial planning jurisdiction, or the Town’s joint planning transition area. All such members (“regular members”) shall be interested in or have expertise relevant to the duties of the TAB.

(b) Members may be removed as follows:

- (1) The chair shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Members shall be removed if they have three (3) unexcused absences, or if they miss more than thirty percent of the meetings during a twelve-month period. The town clerk shall send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

(c) Staff representation may be requested from the following groups to maximize coordination of transportation infrastructure projects planning and construction in and around the Town:

- OWASA (1 representative)
- Town of Chapel Hill (1 representative)
- University of North Carolina – Chapel Hill (1 representative)
- Orange County (1 representative)

These members will be non-voting and recommended appointees may be submitted by their respective agency for the Town Council for acceptance.

(d) Members of the TAB shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all regular seats on the TAB on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, three members shall be initially appointed for three-year terms, two members shall be initially appointed for two-year terms, and two members shall be initially appointed for one-year terms. Vacancies shall be filled for the unexpired terms only.

**Section 3-24.1 Meetings and Officers of TAB**

(a) The TAB shall hold regular meetings at least once monthly at such times and places as it shall designate.

(b) A quorum for the TAB shall consist of four regular members, except that if there are two or more vacant seats, a quorum shall consist of three regular members. All actions of this board shall be taken by majority vote of those present and voting, a quorum being present. The liaison member may participate in all deliberations but shall have no vote.

(c) The TAB shall designate one of its members to serve as chairperson and one member to serve as vice-chairperson. These officers shall be selected annually at the board's first regular meeting in November and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

**Section 3-24.2 Powers and Duties of TAB**

(a) The TAB shall conduct studies and advise and make recommendations to the Town Council concerning all matters relating to the transportation within the Town of Carrboro and the surrounding area, including, but not limited to, the need for the construction, operation, relocation, or improvement of streets, sidewalks, and bikeways, as well as the establishment and improvement of alternative methods of mass transportation.

(b) The TAB shall also recommend to the Council policies, programs, and actions that may assist the Town in establishing greenways. For purposes of this section, the term "greenways" refers to unbroken chains of preserved open space surrounding stream and wildlife corridors, headwaters, water recharge areas, and significant ecosystems that also provide bicycle and pedestrian connections between neighborhoods and for the community. The commission may also encourage effective stewardship and management of such greenways and promote educational, recreational, and public health usage consistent with the protection of this resource, in collaboration with the Recreation, Parks & Cultural Resources Commission pursuant to subsection (f) below.

(c) The TAB shall report to the Town Council as requested by the Council and shall undertake such studies or perform such duties as the Council may request from time to time.

(d) The TAB may adopt rules and regulations governing its procedures not inconsistent with the provisions of Sections 3-24 through 3-24.2.

(e) From time to time, the Town Council may appoint one or more individuals to assist the TAB to carry out its transportation responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider long-range transportation plans, pedestrians or bicycle plans, infrastructure safety improvements, etc. Members of such advisory committees shall sit as nonvoting members of the TAB when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Council shall be made by the TAB.

- (1) The Town Council may appoint a subcommittee of the TAB for the purposes of implementing the Safe Routes to School Strategic Action Plan as described in subsection (a) below.
  - a. The Safe Routes to School Implementation Committee shall recommend transportation projects, policies, programs, or activities that serve to increase the safety and convenience of walking and bicycling to school. The Committee shall provide guidance and support for implementing the recommendations of the adopted Safe Routes to School Action Plan and evaluating implementation progress. The Committee may provide assistance with seeking project or program funding, including applying for grants, Safe Routes to School event planning, and data collection.
  - b. The TAB shall consider the recommendations of the SRTS Action Plan when carrying out its duties under subsection 3-24.2 of this Chapter and its review of development applications and amendments described in Article IV and Article XX of Chapter 15 of the Town Code, the Carrboro Land Use Ordinance.
- (2) The Safe Routes to School (SRTS) Implementation Committee members shall include the full membership of the TAB and four additional members, appointed by the Town Council for two year staggered terms, but members may continue to serve until successors have been appointed.
  - a. The appointed members of the SRTS Implementation Committee shall include two students, who attend local public schools at the elementary or middle school level, one parent of a local elementary or middle school student and one school administrator or faculty member from the local public schools at the elementary or middle school level.
  - b. Appointed members may serve for two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) shall be eligible for re-appointment only after an absence from the committee of at least one year.
  - c. The committee may invite others, with expertise in the subject matter to participate in the meeting as none voting members.
  - d. A member of the Chapel Hill/Carrboro School System School Board may serve as a liaison to the committee.
- (3) The SRTS Implementation Committee shall meet at quarterly, at the TAB's regularly scheduled meeting for the third Thursday of the month, or at additional special meetings as may be deemed necessary to complete its work.
  - a. Public notice for the meeting shall clearly identify the SRTS Implementation Committee agenda.
  - b. Quorums will be determined on the basis of the TAB's membership. There shall be no quorum requirement for the four appointed members.

(f) The TAB may, on an annual basis, hold a joint meeting with the Recreation, Parks & Cultural Resources Commission to discuss matters of mutual interest.

**Section 8.** Article III, Part VI. (Environmental Advisory Board) rewritten as follows:

**PART VI. ENVIRONMENTAL ADVISORY BOARD**

**Section 15-45 Appointment and Terms of Climate and Environmental Advisory Commission.**

(a) There shall be a Climate and Environmental Advisory Commission (CEAC), which shall consist of nine members appointed by the Town Council. All members of the CEAC shall either reside, own property, or operate a business within the town's planning jurisdiction or extraterritorial planning jurisdiction or the Town's joint planning transition area.

(b) CEAC members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. The initial terms of all members shall expire on January 31, 1996. Effective February 1, 1996, three members shall be appointed for three year terms, two members for two year terms, and two members for one year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be removed as follows:

- (1) The chair shall file or caused to be filed with the town clerk an attendance report after each meeting identifying those members who are present or absent.
- (2) Members shall be removed if they have three (3) unexcused absences, or if they miss more than thirty percent of the meetings during a twelve-month period. The town clerk shall send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the Town Council, after a hearing, for any good cause related to performance of duty.

(d) In appointing CEAC members, the Town Council shall seek persons with expertise in climate action, environmental protection, biology, natural resources, and relating topics. The Town Council shall seek to appoint at least one person with interest or expertise in community organizing or environmental justice. The Council shall reserve one seat for a Carrboro resident currently enrolled in public, private, or home school at the high school level.

**Section 15-45.1 Organization and Meetings of CEAC.**

(a) The CEAC shall establish a regular meeting schedule. All meetings shall be open to the public and notification of such meetings shall conform to the requirements of the Open Meetings Law.



(b) A quorum shall be present for the CEAC to take official action, and all actions shall be taken by majority vote. A quorum shall consist of six members if all seats on the CEAC are filled and five members if there are one or more vacancies on the board.

(c) The CEAC shall select one of its members to serve as chair and one member to serve as vice-chair. These officers will be chosen annually at the CEAC's first meeting in February and shall serve for terms of one year unless their terms of appointment to the CEAC sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair for not more than two consecutive full one-year terms. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

### **Section 15-45.2 Powers and Duties of the CEAC.**

The Climate and Environmental Advisory Commission may:

(a) Advise the Town Council on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the CEAC include new development, solid waste, air quality, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(b) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.

(c) Adopt a set of guiding principles or goals for the CEAC and review these goals periodically to determine if they are being obtained.

(d) Provide expertise and input on the implementation of the Community Climate Action Plan and municipal Energy and Climate Protection Plan, including annual work plans and initiatives as requested by staff.

(e) Participate in the design, organization and implementation of community outreach events and attend events.

(f) Take any other action authorized by this chapter or any other ordinance or resolution of the Town Council.

**Section 9.** Article IV, (Permits and Final Plat Approval) is amended by removing references to the Appearance Commission in Section 15-48.1(c), Section 15-50(c), Section 15-57(a) thru (e).

**Section 10.** Article IV, Article IV, (Permits and Final Plat Approval) is amended by replacing 'Environmental Advisory Board' with 'Climate and Environmental Advisory Commission' where it appears in Section 15-56, Section 15-57 and Section 15-50.

**Section 11.** Section 15-141.2 (Village Mixed Use District Established), is amended to remove references to the Appearance Commission and replace 'Environmental Advisory Board' with 'Climate and Environmental Advisory Commission' in subsection (g)(2).

**Section 12.** Section 15-141.5 (Site Specific, Flexible Zoning District) is amended to remove references to the Appearance Commission and replace ‘Environmental Advisory Board’ with ‘Climate and Environmental Advisory Commission’ in subsection (f)(2).

**Section 13.** Section 15-322 (Planning Board and Other Advisory Consideration of Proposed Amendments) is amended to remove references to the Appearance Commission and replace ‘Environmental Advisory Board’ with ‘Climate and Environmental Advisory Commission’ in subsection (a).

**Section 14.** Section 15-330 (Neighborhood Preservation District Commission) is amended by replacing ‘appearance commission’ with ‘planning board’ and the reference to ‘Article III, Part V’ to ‘Article III, Part I,’ to read as follows:

The planning board established under Article III, Part I, of this chapter is hereby designated as the neighborhood preservation district commission and shall exercise all duties and responsibilities conferred upon the neighborhood preservation district commission.

**Section 15.** Subsection 15-332(b) is amended by replacing ‘commission’ with ‘neighborhood preservation district commission.’

**Section 16.** Section 15-336 (Historic District Commission) is amended by replacing ‘appearance commission’ with ‘planning board’ and the reference to ‘Article III, Part V’ to ‘Article III, Part I,’ to read as follows

The planning board established under Article III, Part I, of this chapter is hereby designated as the historic district commission and shall exercise all duties and responsibilities conferred upon the historic district commission. Pursuant to Section 15-339(d) below, when serving as the historic district commission to consider certificates of appropriateness, the planning board shall conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI. **(AMENDED 6/22/21)**

Section 17. Section 15-338 (Procedure for Designating or Amending an Historic District) is amended by replacing ‘commission’ with ‘historic district commission’ in subsection (d).

**Section 18.** Section 15-339 (Certificates of Appropriateness) is amended by replacing ‘commission’ with ‘historic district commission’ in subsections (c), (d)(1), (d)(4) and (g).

**Section 19.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 20.** This ordinance shall become effective upon adoption.