

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE QUORUM REQUIREMENT FOR THE APPEARANCE COMMISSION, THE NAME, MEMBERSHIP SIZE, AND QUORUM REQUIREMENT FOR THE ENVIRONMENTAL AND CLIMATE ACTION ADVISORY BOARD (FORMERLY KNOWN AS THE ENVIRONMENTAL ADVISORY BOARD, AND THE POWERS AND DUTIES OF THE AFFORDABLE HOUSING ADVISORY COMMISSION

****DRAFT 5-14-2019****

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Subsection 15-43(e) of the Carrboro Land Use Ordinance, Organization and Meetings of the Appearance Commission, is amended to read as follows:

(e) A quorum, shall be present for the commission to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the Appearance Commission are filled and three members if there are one or more vacancies on the board.

Section 2. Article III, Administration is rewritten to read as follows:

PART VI. ENVIRONMENTAL AND CLIMATE ACTION ADVISORY BOARD

Section 15-45 Appointment and Terms of Environmental and Climate Action Advisory Board

(a) There shall be an Environmental and Climate Action Advisory Board (ECAAB), which shall consist of nine members appointed by the Board of Alderman. All members of the ECAAB shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) ECAAB 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) Unless the chair waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than 30% of the meetings during a twelve-month period. The town clerk shall notify the chair in writing as soon as a member becomes subject to

removal under this section. The chair will have ten days after receipt of such notice to waive the removal. If the chair fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirements should be waived, the town clerk will send the removal notice to the member. This removal shall be effective on the date of such notice.

- (3) Members may also be removed by the Board of Alderman, after a hearing, for any good cause related to performance of duty.

Section 15-45.1 Organization and Meetings of ECAAB

(a) The ECAAB 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 ECAAB to take official action, and all actions shall be taken by majority vote. A quorum shall consist of five members if all seats on the ECAAB are filled and four members if there are one or more vacancies on the board.

(c) The ECAAB 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 ECAAB's first meeting in March and shall serve for terms of one year unless their terms of appointment to the ECAAB 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 ECAAB (REPEALED 5/11/99) (AMENDED 02/25/14) (AMENDED 10/24/17)

The Environmental and Climate Action Advisory Board may:

- (a) Advise the Board of Aldermen on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the ECAAB 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 ECAAB and review these goals periodically to determine if they are being obtained.
- (d) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman.

Section 3. Section 15-48.1(c), of the Carrboro Land Use Ordinance, Concept Plan Review Procedures Prior to Submitting Applications, shall be amended to include the Affordable Housing Advisory Commission to the list of advisory boards that may participate in the Joint Advisory Board meeting for the review of concept plans. The amended section shall read as follows:

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Economic Sustainability Commission. The planning staff may notify the Recreation and Parks Commission, Northern Transition Area Advisory Committee and Affordable Housing Advisory Commission when issues relevant to those boards are raised by a proposed development and members of those boards may attend.

Section 4. Section 15-50(c) of the Carrboro Land Use Ordinance is amended to add the Affordable Housing Advisory Commission to the list of Boards and Commissions which are identified as having designated members participate in an on-site walkabout. The amended section shall read as follows:

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board, Environmental Advisory Board, Appearance Commission, and Affordable Housing Advisory Commission shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements.

Section 5. Section 15-57, Recommendations on Conditional Use Permits of the Carrboro Land Use Ordinance is rewritten by adding the Affordable Housing Advisory Board to the list of those Boards and Commissions to which development applications are referred in Subsections (a), (b), (c), (d), and (e), so that the Section now reads as follows:

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, environmental advisory board, and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, environmental advisory board or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application.

(b) When presented to the planning board, affordable housing advisory commission, appearance commission, environmental advisory board and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. (AMENDED 09/19/95)

(c) The planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. (AMENDED 09/19/95)

(d) After reviewing the application, the planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefore. (AMENDED 09/19/95)

(e) In response to the planning board's, the affordable housing advisory commission's, appearance commission's, environmental advisory board's or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. (AMENDED 09/19/95)

Section 6. Subsection 15-56 (c), Recommendations on Special use permits is amended by adding the term "Affordable Housing Advisory Commission" to the list of those boards to which applications may be referred so that this subsection reads as follows:

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board, the transportation advisory board, the environmental advisory board, the affordable housing advisory commission, or the appearance commission to obtain the recommendations of some or all of these boards.

Section 7. Subsection 15-322(a), Planning Board and other Advisory Consideration of Proposed Amendments, is rewritten by adding the affordable housing advisory commission to the list of boards and commissions to which amendments may be referred so that the subsection reads as follows:

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves

community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue.

Section 8. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.