

MEMORANDUM

TO: Mayor JB Lawrence and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Changes to BRAAC language in Land Use Ordinance

DATE: July 5, 2017

A few weeks ago, the BRAAC membership reviewed the language in the Land Use Code and made some suggestions on some wording changes to be consistent with current board functions and practices.

Planning Board recommended the approval of the draft ordinance at their meeting in June.

In the attached ordinance, the suggested changes are **highlighted** and underlined or ~~struck through~~.

ORDINANCE NO. 2017-__**AN ORDINANCE TO MODIFY TEXT IN THE LAND USE ORDINANCE RELATED TO THE BLOWING ROCK APPEARANCE ADVISORY COMMISSION (BRAAC)**

WHEREAS, the Blowing Rock Appearance Advisory Commission (BRAAC) recommends some text changes to the Land Use Ordinance to more closely describe their functions and procedural operations; and

WHEREAS, the Planning Board recommended approval of the Land Use Ordinance text amendments at their June 2017 meeting.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Chapter 16, Article 3 – Administrative Mechanisms of the Blowing Rock Town Code is hereby amended and will read as follows:

“16-3.6 Appearance Commission.

16-3.6.1 Membership and Vacancies.

(A) There shall be an appearance advisory commission consisting of five (5) members, all of whom shall be citizens and residents of the planning and zoning jurisdiction of the town. Members shall be appointed by the board of commissioners for a term of three (3) years. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the period of the unexpired term. It is desirable that at least one member be a member of a design profession.

(B) Members may be removed from the commission by the mayor for due cause. Faithful attendance at the meetings of the commission and conscientious performance of the duties of members shall be considered a prerequisite for continued membership on the commission.

(C) Members of the commission shall serve without pay, but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the commission.

16-3.6.2 Organization, Rules, Meetings and Records.

Within thirty days after its appointment, the appearance advisory commission shall meet and elect a chairman, vice-chairman, secretary and treasurer. It may create and fill such other offices as it may determine. The term of each officer shall be one year. They may be re-elected. The commission shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which records shall be open to the public. The commission shall meet as needed. All of its meetings shall be open to the public. For the purpose of taking any official action authorized or required by this article, there shall be present a quorum of three (3) members.

16-3.6.3 Responsibilities and Duties

(A) It shall be the responsibility and duty of the community appearance advisory commission:

- (1) To initiate, promote and assist in the implementation of general community beautification in the town and its environs.
- (2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities, and programs bear upon the appearance of the town and its environs.
- (3) To provide leadership and guidance in matters of area community design and appearance to individuals and to public and private organizations and agencies.
- (4) To make studies of the appearance characteristics and problems of the town and its environs, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the town, any portion or neighborhood thereof, or any project to be undertaken.
- (5) To prepare both general and specific plans for the improved appearance of the town.
- (6) To make recommendations upon any permit or other item referred to the commission by the board of commissioners, planning board, board of adjustment, or administrator.
- (7) To take any other action authorized by this chapter or any other ordinance or resolution adopted by the board of commissioners.

(B) The following specific duties are hereby conferred upon the appearance advisory commission:

- (1) To ask the proper officials of any public agencies of the state and its political subdivisions for plans for public buildings, facilities or projects to be located within the town.
- (2) To review such plans as well as permit applications referred to the commission and make recommendations regarding appearance suitability to the appropriate agency or to the planning board, board of adjustment or board of commissioners. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies shall be transmitted promptly to the appropriate town board and to the appropriate agency.
- (3) To direct the attention of officials to the needed enforcement of any ordinance that may in any way affect the appearance of the town.
- (4) To seek voluntary adherence to the standards and policies of its plans.
- (5) To enter upon private land for the purpose of making examinations or surveys, with the consent and permission of the person in possession of such property.
- (6) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and

reports as will, in the opinion of the commission, advance the cause of improved municipal appearance.

(7) To formulate and recommend to the town planning board and board of commissioners the adoption or amendment of ordinances regulating the use of property that will, in the opinion of the commission, serve to enhance the appearance of the town and its surrounding area.

(8) To be the lead civic organization coordinating **Spring and Fall Planting Days** and the chief sponsor of the annual Town Clean-up **Day Week**.

16.3-6.4 Annual Report and Budget.

(A) In conjunction with the submission of the budget request, the commission shall submit to the board of commissioners a progress report of its activities during the present fiscal year. A report of the entire fiscal year, July through June, shall be submitted to the board of commissioners no later than thirty days after the close of the fiscal year.

(B) The commission may present requests to the board of commissioners no later than April 1 of each year for the purpose of incorporating in the budget future beautification, preservation, restoration and landscaping projects to include establishment, maintenance and replacement of gardens. Anticipated revenues for the next fiscal year from non-city sources shall be indicated. The requests will be reviewed and, if approved, recommended for inclusion in the proposed budget.

16.3-6.5 Receipt and Expenditure of Funds.

The commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government or any other source, in addition to any sums appropriated for its use by the board of commissioners. It may accept and disburse these funds for any purpose within the scope of its authority as specified in this article. All sums appropriated by the board of commissioners to further the work and purposes of the commission are deemed to be for a public purpose.”

Section 2. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the ____ day of _____, 2017

J.B. Lawrence, Mayor

ATTEST: _____
Hilari H. Hubner, Town Clerk