

# **Alternative Compliance Review Committee Rules for Procedure**

Adopted by the Alternative Compliance Review Committee

November 7, 2019

## **1. Committee Members**

- a. The officers of the Alternative Compliance Review Committee (ACRC) shall be a Chairperson and a Vice Chairperson.
- b. Member is defined as both regular and alternate Members, hereinafter referred to as Members.
- c. Staff is defined as assigned employees of the City of Charlotte Planning, Design & Development Department.
- d. Committee is defined as all voting Members, both regular and alternate.
- e. The Chairperson shall preside at all meetings and have the right to make recommendations on applications for alternative compliance, call special meetings, and request the continuation of a meeting past the 8:00 pm adjournment. The Chairperson shall also have the right to meet with the Planning, Design and Development (PD&D) Director in the event the Committee's recommendation conflicts with Staff's recommendation.
- f. The Vice Chairperson shall preside at meetings in the absence of the Chairperson, and shall have all the rights and duties of the Chairperson as listed above.
- g. At the regular meeting in June, the ACRC shall elect officers for a term of one year. Officers shall take office the following July 1. If an office becomes vacant during a term, the ACRC shall elect one of its Members to serve the remaining portion of the unexpired term. Officers shall be eligible for reelection.
- h. At the regular meeting in August, the Members shall review the Alternative Compliance Review Committee Rules of Procedure and have the opportunity to propose and approve revisions.
- i. New Members must complete the ACRC orientation and oath of office before providing a recommendation at ACRC meetings.

## **2. Meetings**

- a. The regular meeting date shall be the first Thursday of each month. Meetings shall start at 4:00 pm and end by 8:00 pm.
- b. Meetings will only be held when applications for alternative compliance have been received or if the Committee has other business to conduct.
- c. Alternates shall attend all meetings and have the right to participate in discussion but will only make a recommendation when needed to replace a regular Member.

## **3. Quorum**

- a. In all circumstances, a majority of the Members of the ACRC, not counting vacancies, shall constitute a quorum for the purpose of conducting business.
- b. A quorum may be lost due to an ACRC Member's conflict of interest or failure to be present for the entire hearing on a particular alternative compliance request.

## **4. Attendance**

- a. The ACRC attendance policy shall be the same as the City Council's attendance policy for boards and commissions.
  - i. Members are required to attend 65% of all regular and special meetings from the time their term begins, until the end of the calendar year, and each subsequent

calendar year thereafter. Members must attend 50% of each meeting in order to be counted present.

- ii. Members may not miss three consecutive regular meetings.
- iii. If a Member fails to meet either of the two requirements above, they will automatically be removed from the board per City Council's policy.
- b. All Members leaving prior to adjournment should be excused by vote of the Committee.
- c. If a Member leaves without being excused, their vote shall count in the affirmative.

## **5. Conflicts of Interest**

- a. No Member shall make a recommendation on or participate in the consideration of a matter in which he or she has a conflict of interest, or has the appearance of a conflict of interest. For purpose of this section, and by way of illustration, but not limitation, a Member has a conflict of interest (i) if he or she may be impacted financially, either directly or indirectly, from a decision on the pending matter, (ii) if the Member owns or leases property that is within three hundred (300) feet of the property that is the subject of an application, (iii) if the Member has a familial or personal relationship with an applicant that is of a type that may color the Member's judgment, or (iv) if the Member works for any business entity that contributed to the subject of an application.
- b. To this end, a Member shall not communicate a predisposition on any application prior to the consideration of the application at an ACRC meeting.
- c. A Member that has a conflict of interest, or believes that he or she may have a conflict of interest, shall contact the ACRC Staff liaison before the scheduled meeting to ensure a quorum can be met.
- d. A Member who determines that he or she has a conflict of interest shall declare the existence and nature of the conflict prior to consideration of the matter and shall be excused from discussion and voting on the application.
- e. A Member who believes that he or she may have a conflict of interest shall declare the possible conflict. The ACRC shall make a determination by majority vote of the quorum, excluding the Member who may have a conflict, of the ACRC on whether or not a conflict of interest exists. If determined that the Member has a conflict of interest, they shall be excused from discussion and voting on the application.
- f. A challenge of the existence of a conflict of interest may be made by a Member, the applicant, or by any interested person. Such a challenge shall be considered by the Committee and the Committee shall determine by majority vote of the quorum, excluding any Member being challenged, whether a conflict of interest exists. If the vote of the quorum of the Committee determines that the Member has a conflict of interest, the Member shall be excused from discussion and voting on the application.
- g. When a conflict of interest exists, the Member with a conflict shall leave the room for the entire item review.
- h. In no instance shall a Member present or represent to the Committee an application for review.

## **6. Recommendations**

- a. A Member shall not make a recommendation on an application for alternative compliance if the Member has been excused for a conflict of interest or is not present for the entire hearing.
- b. Any calculation of a quorum shall not include any Member with a conflict of interest or who fails to be present for the entire hearing on a particular application for alternative compliance.
- c. All voting Members present shall provide a recommendation for approval, approval with modifications, or denial, on the application for alternative compliance, unless excluded per Section 6.a. All voting Members present for the entire hearing and without conflicts of interest shall not abstain from providing a recommendation.

## **7. Application Submission Procedures**

- a. Applicants seeking alternative compliance shall consult with the ACRC Staff prior to submission of materials outlined in Section 7.b.
- b. The applicant shall be responsible for providing all necessary materials to meet the requirements of this section. A written request to the PD&D Director for alternative compliance is required. The request must identify the standard eligible for alternative compliance and must provide a clear explanation of the alternative proposed.
- c. Supporting materials should include but are not limited to site plans, landscape plans, building elevations, renderings, photo simulations, height plane diagrams, photos of adjacent properties, and any other contextual information that supports the request for alternative compliance.
- d. Until the application for alternative compliance meets the requirements of Section 7, it shall be deemed incomplete and not be submitted to the ACRC for recommendation.

## **8. ACRC Agenda Requirements**

- a. Applications and complete submission materials will be due to the PD&D office four (4) weeks prior to the scheduled Committee meeting.
- b. Failure to provide all materials by this date will result in the project not being placed on the Committee agenda for recommendation.
- c. The total number of items for alternative compliance placed on the regular monthly agenda for Committee meetings shall not exceed eight (8). Staff may, in its discretion, place additional items on the agenda.

## **9. Committee Meeting Procedure**

- a. Meetings shall start at 4:00 pm and end by 8:00 pm.
- b. Items will not be opened for review after 7:30 pm.
- c. Members may request a brief recess between item reviews.
- d. Order for each ACRC agenda item:
  - i. The Chairperson will introduce the agenda item.
  - ii. A Staff Member will have five (5) minutes to present the agenda item and Staff recommendation.

- iii. The applicant will have five (5) minutes to present information on the request for alternative compliance.
- iv. The Chairperson will open a public comment period and invite other parties wishing to speak on the agenda item to provide input. The public comment period will be limited to five (5) minutes of discussion in support of the request, and five (5) minutes of discussion in opposition of the request. The Chairperson will then close the public comment period.
- v. The Members may question the applicant and/or Staff on the request.
- vi. Staff and then the applicant will be given an opportunity for rebuttal and final comments.
- vii. The Chairperson shall close the agenda item for discussion and deliberation. A Member may request the agenda item to be reopened for further questioning.
- viii. The Committee will craft a recommendation for Approval, Approval with Modifications, or Denial.
- ix. A final vote on the recommendation by the Committee will close the meeting.

**10. Final Decision on Application for Alternative Compliance**

- a. Staff will forward the Committee's recommendations to the PD&D Director within five (5) business days of the Committee meeting.
- b. In the event that the Committee's recommendation conflicts with Staff's, the Chairperson has the right to meet with the PD&D Director to discuss the Committee's recommendation.
- c. The PD&D Director may approve, approve with modification, or deny the application, in consideration of the Committee recommendation.
- d. If alternative compliance is denied by the PD&D Director, nothing precludes the applicant from pursuing alternative options through the Zoning Board of Adjustment, rezoning to TOD-EX, or from submitting a new request for alternative compliance.