

**EXCERPTED COPY \*\* 1-31-2020\*\***Section 3-21. Planning Board (Amend. 9/25/79)

There shall be a planning board, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part I of this code.

Section 3-23. Appearance Commission (Amend. 9/25/79)

There shall be an appearance commission, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part V of this code.

## Article V

CARE AND PROTECTION OF  
TREESSection 7-36 Purpose, Intent and Scope of Article

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- (a) The Board finds that:
- (1) Trees are prove oducers of oxygen, a necessary element for the survival of men and women;
  - (2) Trees appreciably reduce the ever-increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air that we breathe;
  - (3) Trees precipitate dust and other particulate air-borne pollutants from the air and create temporary conditions of narcosis allowing air-borne pollutants to settle to the ground;
  - (4) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
  - (5) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;
  - (6) Trees through their root systems stabilize the ground water tables and play an important effective part in community-wide soil conservation, erosion control and flood control;
  - (7) Trees are an invaluable physical, aesthetic and psychological counter point to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land; and
  - (8) The need for trees is particularly acute and trees are especially valuable

along public rights-of-way and other town-owned property.

(b) Based upon the findings set forth in subsection (a), the board declares that it is not only desirable but essential to the health, safety and welfare of all the citizens of the Town of Carrboro, present and future, to protect present trees and to encourage the propagation of trees along the public rights-of-way and other town-owned property, and the provisions of this article are designed to accomplish this objective.

(c) The provisions of this article apply to all areas within 30 feet of the center line of a public street, or to the right-of-way line, whichever embraces more area, as well as all other town- owned property. For purposes of this article, these areas shall be referred to collectively as "public property."

#### Section 7-37 Tree Board

(a) The Carrboro Appearance Commission shall henceforth also act and function as the Carrboro Tree Board.

(b) The Tree Board shall be empowered to:

- (1) Develop and administer a comprehensive tree program;
- (2) Recommend needed ordinances to properly regulate tree planting, maintenance and removal;
- (3) Develop and prepare a long-range management plan that deals with existing and planned or proposed trees and shrubs on public property (master street tree plan) to be adopted by the Town Council;
- (4) Develop and implement annual work plans (annual street tree plan) to be adopted by the Town Council; and
- (5) Designate one of its members to advise and assist the administrator in implementing this article

#### Section 7-38 Permits

(a) No person, without a written permit issued by the administrator, may plant, cut down, remove, destroy, severely prune (including the root system) or treat with a view to its preservation from disease or insects, any tree or shrub on public property.

(b) No person, without a written permit issued by the administrator, may place or maintain upon the ground on public property any stone, cement or other impervious matter or substance in such a manner as to obstruct the free access of air and water to the roots of any tree or shrub in such place.

(c) The administrator shall issue the permit required by subsections (a) or (b) within 10 days of a request for such permit unless he/she finds that:

- (1) With respect to the planting of a tree or shrub, the proposed planting is inconsistent with the master street tree plan or the annual street tree plan;
- (2) With respect to the proposed treatment of a tree or shrub, the proposed treatment poses a danger to other trees or shrubs on public property or a danger to the public health or safety;
- (3) With respect to the cutting down or removal of trees or shrubs, such actions would be inconsistent with the master street tree plan or the annual street tree plan and other means are reasonably available to achieve the legitimate objectives sought to be accomplished by the removal of such trees or shrubs.
- (4) With respect to the placement of stone, cement or other impervious matter around trees or shrubs, such actions would be inconsistent with the master street tree plan or the annual street tree plan by posing a substantial danger to existing or proposed trees or shrubs, and other means that are reasonably available to achieve the legitimate sought to be accomplished by such actions.

#### Section 7-39 Additional Measures to Protect Trees and Shrubs

(a) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard around any tree on public property so as to prevent injury to such tree. As provided in Section 7-38, if such severe pruning or removal of any tree is necessary, a written permit shall be obtained.

(b) No person may attach any rope or wire to any tree or shrub or to the guard or stake intended for the protection of such tree or shrub on public property, except for the purpose of protecting such tree or shrub or the public.

(c) Trees or shrubs that are diseased or that have an infectious condition that endanger other trees or shrubs on public property or that otherwise pose a danger to the public health or safety shall be removed by the owners of the property on which such trees are located within 10 days after being notified by the administrator of such condition. Such trees are declared to be a public nuisance, and if not corrected by the responsible person within the time specified herein, the town may summarily abate any such nuisance that is located on town property on a public right-of-way.

(d) Any person aggrieved may appeal any decision of the administrator to the board of adjustment in accordance with the procedures specified for appeals set forth in Chapter 15 of the Town Code.

## ARTICLE III

### ADMINISTRATION MECHANISMS

#### PART I. PLANNING BOARD

##### **Section 15-21 Appointment and Terms of Planning Board Members**

(a) There shall be a planning board consisting of eleven members. Nine members appointed by the Board of Aldermen, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If the Orange County Board fails to make these appointments within ninety days after receiving a resolution from the Board of Aldermen requesting that they be made, the Board of Aldermen may make them. **(AMENDED 5/26/81; 5/27/86; 11/14/88; 09/13/94; 4/25/06)**

(b) Planning board members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled for the unexpired terms only. **(AMENDED 05/27/86; 11/14/88; 4/25/06)**

(c) The term of one of the new in-town members shall expire January 31, 2009 (this seat replaces the vacant seat of an ETJ member whose term would have expired on that date) and the term of the other new in-town member shall expire January 31, 2007 (this seat replaces the vacant seat of a transition area member whose term would have expired on that date). **(AMENDED 4/25/06)**

(d) All members may participate in and vote on all issues before the board, regardless of whether the issue affects property within the town or within the extraterritorial planning area.

(e) Members may be removed as follows: **(AMENDED 05/27/86)**

- (1) The chairman 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) Unless the chairman waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. 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.

#### **Section 15-22 Meetings of the Planning Board.**

(a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(e) Whenever the board is called upon to make recommendations concerning a conditional use permit request, special use permit request, or a minor zoning amendment proposal, the planning staff shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least seven days prior to the meeting at which the matter is to be considered.

#### **Section 15-23 Quorum and Voting.**

(a) A quorum for the planning board shall consist of six members if there are no vacant seats, five members if there are one or two vacant seats, and four members if there are more than two vacant seats. A quorum is necessary for the board to take official action.

(b) All actions of the planning board shall be taken by majority vote, a quorum being present.

(c) A roll call vote shall be taken upon the request of any member.

### **Section 15-24 Planning Board Officers.**

(a) The planning board shall designate one of its members to serve as chair, one member to serve as first vice-chair and one member to serve as second vice-chair. These officers shall be selected annually at the board's first regular meeting in February 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 chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. (AMENDED 01/10/84; 01/27/09)

(b) The chair, first vice-chair and second vice-chair may take part in all deliberations and vote on all issues." (AMENDED 01/27/09)

### **Section 15-25 Powers and Duties of the Planning Board.**

(a) The planning board may:

- (1) Make studies and recommend to the Board of Aldermen 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 Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (3) Make recommendations to the Board of Aldermen concerning proposed conditional use permits and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.
- (4) Perform any other duties assigned by the Board of Aldermen.

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

### **Section 15-26 Advisory Committees. (AMENDED 10/24/06)**

(a) From time to time, the Board of Aldermen 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 Board of Aldermen may appoint advisory committees to consider the thoroughfare plan, bikeway plans, housing plans, economic development plans, etc.

(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 Board of Aldermen shall be made by the planning board.

(c) Nothing in this section shall prevent the Board of Aldermen from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Board of Aldermen.

(d) If an advisory committee provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board), a member of that board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

## **PART V. APPEARANCE COMMISSION**

### **Section 15-42 Appointment and Terms of Appearance Commission**

(a) There shall be an appearance commission, which shall consist of nine members appointed by the Board of Aldermen. All members of the commission shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) Appearance commission members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all seats on the appearance commission 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, three members for two-year terms, and three members for one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/27/86)**

(c) Members may be removed as follows: **(AMENDED 5/27/86)**

(1) The chairman 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) Unless the chairman waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. 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.

(d) In making appointments to the commission, the Board of Aldermen shall seek to appoint persons with impartial and broad judgment, and when possible, persons with training or experience in a design profession. As wide a range of community interests as possible should be represented on the commission. The Board of Aldermen 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. **(AMENDED 09/26/89, 11/21/95)**

(e) Members of the Appearance Commission shall be administered an oath of office as prescribed by Section 3-35(c) and (d) of the Town Code. **(AMENDED 10-10-90)**

### **Section 15-43 Organization and Meetings of Appearance Commission**

(a) The appearance commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with section 15-66 (Applications to be Processed Expeditiously).

(b) Since the commission has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All commission meetings shall be open to the public, and whenever feasible, the agenda for each board meeting shall be available in advance of the meeting.

(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. **(AMENDED 06/25/19)**

(f) The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when the commission exercises the powers and duties of the appearance commission. The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when exercising the powers and duties of the neighborhood preservation district commission or the historic district commission. The commission may, but need not, choose the same members to serve as officers in these two different capacities. These officers will be chosen annually at the commission's first meeting in March and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair in either capacity for not more than two consecutive full one-year terms. The chairman and vice-chairman may take part in all deliberations and vote on all issues. **(AMENDED 1/10/84; 9/26/89; 11/21/95; 01/27/09)**



**Section 15-44 Powers and Duties of Appearance Commission.**

- (a) The appearance commission may:
  - (1) Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
  - (2) 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.
  - (3) Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs.
  - (4) Make recommendations upon any permit or other item referred to the commission by the Board of Aldermen, planning board, board of adjustment, or administrator. Without limiting the generality of the foregoing, the commission's recommendations regarding development permit applications may address the appearance or design of proposed development projects. **(AMENDED 06/27/06).**
  - (5) Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not non- commission members or any combination thereof) to advise and assist the commission in carrying out its duties.
  - (6) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Aldermen.
- (b) The appearance commission shall report orally or in writing, as requested by the board, at least quarterly to the mayor and Board of Aldermen. It shall submit its requested budget of funds needed for operation during the ensuing fiscal year to the town manager no later than April 15. All accounts and funds of the commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.
- (c) The appearance commission is hereby authorized to receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in addition to any sums which may be appropriated for its use by the Board of Aldermen. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approving budget.
- (d) The appearance commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

(e) The appearance commission shall exercise all the powers and duties of the neighborhood preservation district commission as set forth in Article XXI, Part 1, of this chapter. **(AMENDED 09/26/89)**

(f) The appearance commission shall exercise all the powers and duties of the historic district commission as set forth in Article XXI, Part 2 of this chapter. **(AMENDED 11/21/95)**

## **PART VI. ENVIRONMENTAL ADVISORY BOARD (AMENDED 02/20/96)**

### **Section 15-45 Appointment and Terms of Environmental Advisory Board**

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

(b) EAB 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 EAB**

(a) The EAB 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 EAB 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 EAB are filled and three members if there are one or more vacancies on the board.

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

The Environmental 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 EAB 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 EAB 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.

**ARTICLE XXI  
(AMENDED 09/26/89)**

**NEIGHBORHOOD PRESERVATION**

**PART I. NEIGHBORHOOD PRESERVATION**

**Section 15-330 Neighborhood Preservation District Commission.**

The appearance commission established under Article III, Part V, 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 15-331 Powers and Duties of the Neighborhood Preservation District Commission.**

(a) The neighborhood preservation district commission shall seek to promote, enhance and preserve the character and heritage of neighborhood preservation districts and to this end may:

- (1) Undertake an inventory of areas of cultural or historical significance within the jurisdiction of the town to identify for all public officials and public bodies those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the Board of Aldermen areas to be designated or removed from designation by ordinance as neighborhood preservation districts;
- (3) Conduct an educational program with respect to the special character of neighborhood preservation districts;
- (4) Prepare or review studies and plans for consideration by the governing bodies in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the Board of Aldermen such action as will enhance and preserve the special character of neighborhood preservation districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon neighborhood preservation districts;
- (7) Submit annually to the Board of Aldermen a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district.
- (8) As described in Section 15-332, review all applications for zoning, sign, special use, or conditional use permits within a district, and all building permits required for any work involving the construction, removal, or alteration of an exterior feature of a building within a district, and at the commission's discretion exercise authority to delay the issuance of such permits.

(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

**Section 15-332 Review Process For Certain Projects Within A Neighborhood Preservation District; Delay of Permit Issuance.**

(a) The neighborhood preservation district commission shall review (i) all applications for zoning, sign, special use and conditional use permits required for development within a neighborhood preservation district, as well as (ii) all applications for building permits

for any work involving the construction, removal, or alteration of an exterior feature of a building within a neighborhood preservation district under circumstances where no zoning, sign, special use or conditional use permit is required for such work. Notwithstanding the foregoing, no review by the neighborhood preservation district commission shall be required when mobile homes are moved in or out of a mobile home park. (AMENDED 02/01/00)

(b) For purposes of this section, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. Exterior features shall not include color.

(c) Whenever a completed application is made for the permits described in subsection (a) above, the application shall be referred to the neighborhood preservation district commission.

(d) No zoning, sign, special use, conditional use or building permit, the application for which is referred to the neighborhood preservation district commission pursuant to subsections (a) and (c) above, may be issued until the neighborhood preservation commission has commented upon the application, or 45 days from the date the application is determined to be complete by the administrator, whichever occurs first.

(e) In the case of an application for any of the permits referenced in subsection (a) above which authorize the demolition of any building within a district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period up to but not exceeding 90 days from the date the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of preventing the demolition consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application is determined to be complete by the administrator.

(f) In the case of an application for any of the permits referenced in subsection (a) above which authorize work involving the construction, reconstruction, alteration, removal, or restoration of an exterior feature of a building within the district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period not exceeding 90 days from the date of the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of making the proposed work more consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application for the permit is determined to be complete by the administrator.

### **Section 15-333 Commission Rules, Procedures and Guidelines.**

(a) Before enforcing the provisions of this Part, the neighborhood preservation district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and guidelines not inconsistent with this part for use in reviewing permit applications before this commission. The rules of procedure and guidelines must be approved by the Board of Aldermen before becoming effective. The guidelines may address the following:

- (1) Definitions and clarifications of terms used in the ordinance or the guidelines;
- (2) The height of the building;
- (3) The setback and placement of a building on a lot, including lot coverage and orientation;
- (4) Exterior construction materials, including but not limited to, textures and patterns;
- (5) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (6) Roof shapes, forms and materials;
- (7) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;
- (8) General form and proportions of buildings and structures and orientation to the street;

- (9) Appurtenant fixtures and other features such as lighting;
- (10) Structural condition and soundness;
- (11) Use of local or regional architectural traditions;
- (12) Effect of trees and other landscape elements; and
- (13) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right of way which might affect the character of any building or structure within the district.

**Section 15-334 Procedure for Designating a Neighborhood Preservation District.**

(a) Before the Board of Aldermen adopts or amends an ordinance designating or amending a neighborhood preservation district:

- (1) The neighborhood preservation district commission shall investigate and prepare a report on the special historical or cultural qualities of the area to be designated; and
- (2) The neighborhood preservation district commission and the Board of Aldermen shall hold a joint public hearing on the proposed ordinance. Notice of this hearing shall be given in the same manner as notice of any other amendment to the official zoning map.

(b) Following the joint public hearing, the Board of Aldermen may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

(c) Following the adoption of the ordinance, the designation of the neighborhood preservation district shall be publicized through appropriate publications and public awareness programs.

**Section 15-335 Reserved.**

**PART II. HISTORIC PRESERVATION (AMENDED 11/21/95)**

**Section 15-336 Historic District Commission.**

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the historic district commission and shall exercise all duties and responsibilities conferred upon the historic district commission.

**Section 15-337 Powers and Duties of Historic District Commission.**

(a) The historic district commission shall seek to promote, enhance and preserve the character and heritage of historic districts and to this end may:

- (1) Undertake an inventory of areas of historical significance within the jurisdiction of the town to identify those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the Board of Aldermen areas to be designated or removed from designation by ordinance as historic districts, as well as structures, sites or objects worthy of national, state or local recognition;
- (3) Conduct an educational program with respect to the special character of historic districts and offer advice upon request to property owners concerning the treatment of the historical and visual characteristics of their properties located within the district, such as color schemes, gardens and landscape features and minor decorative elements;
- (4) Propose or review studies, plans, changes to this or any related ordinance, and new ordinances or laws relating to the total program for the development of the historical resources of Carrboro, for consideration by the Board of Aldermen in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the Board of Aldermen such action as will enhance and preserve the special character of historic districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon historic districts;
- (7) Submit annually to the Board of Aldermen a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district; and
- (8) Issue certificates of appropriateness pursuant to Section 15-339 of this chapter;
- (9) Review proposed amendments to the land use ordinance that affect historic districts as well as proposed planning documents or changes to the same (including without limitation transportation plans, improvements and changes) that affect historic districts and make timely recommendations to the Board of Aldermen regarding such ordinances or plans;
- (10) Undertake such additional relevant duties or responsibilities as are assigned by the Board of Aldermen;
- (11) Accept funds granted to the commission from private or nonprofit organizations.



(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

**Section 15-338 Procedure for Designating or Amending an Historic District.**

(a) Before the Board of Aldermen adopts an ordinance designating or amending an historic district:

- (1) The historic district commission shall investigate and prepare a report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and describing the boundaries of such district;
- (2) The planning board shall be given a reasonable opportunity to review and comment on the historic district commission's report; and
- (3) The report and proposed boundaries shall be submitted to the Department of Cultural Resources for its analysis and recommendation. Failure of the Department to submit its written analysis and recommendations to the Board of Aldermen within thirty (30) days after a written request for such analysis has been mailed to it shall relieve the town of any responsibility for awaiting such analysis, and the town may at any time thereafter take any necessary action to adopt or amend the ordinance.

(b) Before enforcing the provisions of this Part, the historic district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and guidelines not Inconsistent with this part for new construction, alterations, additions, moving and demolition. These guidelines must be approved by the Board of Aldermen in order to be effective, and may include standards relating to the following:

- (1) The height of the building;
- (2) The setback and placement on the lot of the building, including lot coverage and orientation;
- (3) Exterior construction materials, including but not limited to, textures and patterns;
- (4) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (5) Roof shapes, forms and materials;
- (6) Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration;

- (7) General form and proportions of buildings and structures and orientation to the street;
- (8) Appurtenant fixtures and other features such as lighting;
- (9) Structural condition and soundness;
- (10) Use of local or regional architectural traditions;
- (11) Effect of trees and other landscape elements; and
- (12) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way which might affect the character of any building or structure within the historic district.

(c) It is the intention of these regulations and guidelines to insure, insofar as possible, that buildings or structures in an historic district shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings (or prohibit the demolition or removal of the same) or to impose architectural styles from particular historic periods. In considering new construction, the commission shall encourage contemporary design which is harmonious with the character of the district in terms of form, scale, setbacks, materials, massing, etc.

(d) In granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such changes or additions upon other structures in the vicinity, in accordance with the principles and guidelines for the certificates of appropriateness adopted for the district.

### **Section 15-339 Certificates of Appropriateness.**

(a) From and after the designation of an historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structures nor any type of outdoor advertising signs shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features (as the terms is defined in G.S. 160A-400.9) has been submitted to and approved by the historic district commission. A certificate of appropriateness shall be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness shall be required whether or not a building or other permit is required.

(b) The town and all public utility companies shall be required to obtain a certificate of appropriateness before initiating any changes in the character of any street paving, sidewalks, trees, or utility installations (including without limitation poles and lighting) located within an historic district.

(c) The commission shall have no jurisdiction over interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the district. Nor shall this part be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in an historic district which does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition.

(d) With respect to all aspects of administration, including without limitation notice and hearing and enforcement requirements, the provisions of this chapter applicable to special use permits issued by the board of adjustment shall apply to certificates of appropriateness issued by the historic district commission.

- (1) The commission may, by uniform rule in its Rules of Procedure, require that an applicant submit all or any portion of the information required by Appendix A for other permit applications, as well as additional information reasonably necessary to make a determination on whether the certificate of appropriateness should be issued. Without limiting the generality of the foregoing, the commission shall require that each application be accompanied by such sketches, drawings, or photographs that satisfactorily show, among other things, the scale of the proposed building in relation to adjoining buildings, as well as specifications, descriptions, or other information sufficient to clearly show the proposed move, exterior alterations, additions, changes, new construction or demolition.
- (2) Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
- (3) An application for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application is filed.
- (4) If the commission determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving, or other conditions related to the district or surrounding uses have been changed substantially.

(e) An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed by the historic district commission for a period of up to 180 days from the date of approval. During such period the historic district commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the historic district commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

(f) Except as provided in subsection (e), a certificate of appropriateness shall be issued if the application complies with the guidelines adopted pursuant to Subsection 15-338(b) and denied if the application does not comply.

(g) An appeal from the commission's action in granting or denying a certificate of appropriateness may be taken to the board of adjustment in the manner specified in Section 15-91 and subject to all the provisions applicable to appeals from decisions of the zoning administrator, except that the board's review shall be on the record of the hearing before the commission.

(h) A decision by the board of adjustment shall be subject to review by the Superior Court of Orange County by proceedings in the nature of certiorari pursuant to Section 15-116 of this chapter.

**Section 15-340 Historic District Commission Recommendation on Permit and Other Applications.**

All applications for land use permits, variances, rezoning requests, zoning text amendment applications, and other plans, including transportation plans, within an historic district shall be reviewed by the historic district commission at its next regular meeting after the application has been submitted in accordance with the requirements of this ordinance. The commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the authority having final decision responsibility for applications for land use permits, variances, rezoning requests, zoning text amendments and any other plans, including transportation plans.