

Chapel Hill Charter

(Emphasis added)

Article 5. - APPEARANCE OF STRUCTURES

Sec. 5.29. - Powers granted the town; designation of areas of special control; creation of appearance commission; control over construction.

As a means of preserving and enhancing the character of the Town of Chapel Hill, the governing board of said town is specially authorized, as part of its zoning ordinance adopted pursuant to the General Statutes and any special acts relating thereto, to:

- (a) **Designate areas within the town and the surrounding territory subject to its jurisdiction which shall be subject to special controls** of the types authorized herein. Such areas may specifically include the central business district of the town, areas abutting the University campus, areas abutting the principal entrances to the town, and such other areas as the governing board may find to be especially significant to preservation of the visual character of the town.
- (b) Create and appoint a special appearance commission consisting of not less than seven (7) nor more than fifteen (15) members, all of whom shall be citizens and residents of the Chapel Hill area of planning and zoning jurisdiction. Members shall be appointed by the mayor and council for such terms, not to exceed five (5) years, as the town governing board may by ordinance provide. One of said members shall be appointed from a list of nominees submitted by the chancellor of the University of North Carolina at Chapel Hill, and one member shall be the chairman of the community appearance committee of the Chapel Hill Planning Board, ex officio, who shall have and exercise all rights and privileges of other members of the appearance commission. In making appointments to the commission, the mayor and council shall seek to maintain at all times as members of the commission not less than three (3) members who have had special training or experience in a design profession.
- (c) **Provide that no building or structure (including stone walls, fences, light fixtures, steps and pavement, landscaping, or other appurtenant features) nor any type of outdoor advertising sign shall be erected, altered, restored, or moved within any area of special control until after an application for a certificate of appropriateness as to exterior architectural features shall have been submitted to and approved by the appearance commission.** Such a certificate may be required prior to the issuance of a building permit or any other permit granted for purposes of constructing or altering structures, and may also be required in circumstances where a building permit is not required.

In its review of plans and specifications, the commission shall examine the proposed architectural style and general design, the exterior surface treatment (including kind and texture of building material and color or colors), the arrangement and location of building and structures on the site in question and their relationship to other buildings and structures, proposed landscaping and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, colors and location of all such signs.

The commission shall not consider interior arrangement or use and shall take no action under this section except for the purposes of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant features, or outdoor advertising signs which it finds would adversely affect or be obviously incongruous with (1) existing or planned development in the area, (2) the general character of the town as evidenced by patterns of existing development and by any plans officially adopted by the planning board, (3)

the setting for any public building or buildings, or (4) the maintenance and enhancement of the value of neighboring properties.

Prior to issuance or denial of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. Any appeal shall be taken to the board of adjustment from the commission's action in granting or denying the certificate, in the same manner as any other appeal to such board. Any appeal from the board of adjustment's decision in any such case shall be heard by the Orange County Superior Court in the same manner as any other appeal from the board of adjustment.

Sec. 5.30. - Powers and duties of council may confer on community appearance commission.

As a further means of preserving and enhancing the character of the Town of Chapel Hill, the governing board of said town is especially authorized to confer upon the community appearance commission the following powers and duties:

- (a) To initiate, promote and assist in the implementation of programs of general community beautification in Chapel Hill and its environs.
- (b) To seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of Chapel Hill and its environs.
- (c) To provide leadership and guidance in matters of design and appearance to individuals, organizations and groups, public and private.
- (d) To make studies of the visual assets and liabilities of the community, including surveys and inventories of an appropriate nature, and to suggest standards and policies of design for the entire community, any neighborhood thereof, or any individual project to be undertaken therein.
- (e) To prepare both general and specific plans for the improved appearance of the Town of Chapel Hill and its environs. Such plans may include the entire community or any part thereof, and may include private as well as public property. Such plans shall set forth desirable standards and goals for the aesthetic enhancement of Chapel Hill or any part thereof, or the surrounding area within the area of planning and zoning jurisdiction, including public ways and areas, open spaces and public and private buildings and projects.
- (f) To participate in the implementation of the foregoing plans in ways deemed appropriate to the governing board of the town and as specified in the ordinance establishing the commission. To this end, the governing board is specially authorized to include in said ordinance the following powers:
 - (1) To request from the proper officials of any public agency, including the Town of Chapel Hill, the County of Orange, the University of North Carolina, the Chapel Hill Recreation Commission, the Chapel Hill School District, the Chapel Hill Housing Authority, all public utilities and any state or federal agency, its plans for public buildings, facilities or projects in Chapel Hill and its environs.
 - (2) To review such plans and to make recommendations regarding their aesthetic suitability to the appropriate agency or governing board and to the Chapel Hill Council. The appearance commission shall review such plans in a prompt and expeditious manner. All recommendations of the commission with regard to any public project shall be in writing, and copies of said recommendations shall be transmitted promptly to the council.
 - (3) To formulate and recommend to the Chapel Hill Planning Board and Council such ordinances and amendments to existing ordinances (including the zoning ordinance, subdivision regulations and other local ordinances regulating the use and development of

property) as will, in the opinion of the commission, serve to enhance the appearance of Chapel Hill and its environs.

- (4) To direct town officials' attention to needed enforcement of any ordinance which in any way may affect the appearance of the town.
 - (5) To seek, through any appropriate means, voluntary adherence to the standards and policies of its plans.
 - (6) To study and to make recommendations to the council concerning implementation of the powers conferred upon the town both hereby and by Chapter 278 of the Session Laws of 1965.
 - (7) To enter, in the performance of its official duties and with the permission of the property owner, upon private lands and make examinations or surveys.
 - (8) 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 community appearance.
 - (9) To conduct such public meetings and hearings as may in its judgment be deemed necessary, giving reasonable notice to the public thereof.
 - (10) To conduct an annual meeting at which the programs, progress, problems and policies of the commission shall be presented and at which the public at large, shall be invited to express itself on matters relating to the town's appearance.
- (g) To recommend to the council suitable arrangements for the provision of staff and procurement of technical services for the commission and to establish an advisory council or such committees as it may deem necessary.