

**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;

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- (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;

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- (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.