

### **3.6.2 Historic Districts**

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Purpose Statement: *The Historic District is intended to protect and conserve the heritage and character of the Chapel Hill community by providing for the preservation of designated areas within the planning jurisdiction, including individual properties therein that embody important elements of social, economic, political, or architectural history, and by promoting the stabilization and enhancement of property values throughout such areas. The purpose of requiring regulation of placement and design of telecommunications equipment in this district is to help achieve these objectives and to protect the special character of the Historic District.*

*It is intended that these regulations ensure, insofar as possible, that buildings or structures in the 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 to prohibit the demolition or removal of such buildings, or to impose architectural styles from particular historic periods, but rather to encourage design, whether contemporary or traditional, which is harmonious with the character of the Historic District.*

#### **(a) Establishment of Historic District**

- (1) The Historic District is hereby established as a district which overlays other zoning districts established in Sections [3.3](#) – [3.5](#). The boundaries of the Historic District are as shown on the official Zoning Atlas.
- (2) No new historic district or any change to the boundaries of any existing historic district shall be designated until the North Carolina Department of Cultural Resources, or its successor agency, shall have been given an opportunity, in accord with Chapter 160A, Article 19, Part 3C of the N.C. General Statutes, or its successor statutes, to make recommendations with respect to the establishment of such new district or change in the boundaries of an existing district.
- (3) The use and development of any land or structure within the Historic District shall comply with use regulations and intensity regulations applicable to the Use District in which it is located.

#### **(b) Certificate of Appropriateness Required**

- (1) No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), or any aboveground utility structure, or any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within the Historic District until after an application for a Certificate of Appropriateness as to exterior architectural features has been approved. For purposes of this Article, "exterior architectural 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 the 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. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs.

- (2) A Certificate of Appropriateness shall be issued prior to the issuance of a Zoning Compliance Permit or any other permit granted for purposes of constructing, altering, or demolishing buildings or structures. A Certificate of Appropriateness shall be required whether or not a Zoning Compliance Permit is required. Any Zoning Compliance permit or other permit not issued in conformity with this Section shall be invalid.
- (3) The Town and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the Town of Chapel Hill or public utility companies.
- (4) A Certificate of Appropriateness application may be reviewed and approved by the Town Manager according to specific review criteria contained in State law and guidelines approved by the Commission when the application is determined to involve minor work. Minor works are defined as those exterior changes that do not involve any substantial alterations, and do not involve additions or removals that could impair the integrity of the property and/or the district as a whole. Such minor works shall be limited to those listed in the Commission's Rules of Procedure, or a successor document. No application involving a minor work may be denied without the formal action of the Commission. Ordinance requirements for notification of affected property owners must be met for all applications.

**(c) *Certain Changes Not Prohibited***

- (1) Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a change in design, material, or outer appearance thereof, or to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature that the Building Inspector or similar official shall certify is required by the public safety because of unsafe or dangerous condition.
- (2) On the basis of preliminary sketches or drawings and other supporting data, the Town Manager may exempt from requirements for a Certificate of Appropriateness projects involving the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or outer appearance thereof. The Town Manager shall notify the Commission of all such exemptions.

**(d) *Procedures for Approval of Certificates of Appropriateness***

- (1) Application Submittal Requirements
  - A. Applications for Certificates of Appropriateness shall be filed with the Town Manager.
  - B. The Town Manager shall prescribe the form(s) on which applications are made, as well as any other material which may reasonably be required to determine the nature of the application.

- C. The Commission may specify criteria for situations in which the Town Manager may waive any of the application material requirements.
  - D. No application shall be accepted by the Town Manager unless it complies with such requirements. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.
- (2) Notification of Affected Property Owners. Prior to approval or denial of an application for a Certificate of Appropriateness by the Historic District Commission, 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.
  - (3) Public Hearing. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.
  - (4) Action on the Application. Within one-hundred eighty (180) days of the acceptance of an application, or within such further time consented to by written notice from the applicant, the Town Manager or the Commission shall approve the application, approve the application with conditions, or deny action on the application. Such action shall be based upon the review criteria established in Section [3.6.2](#) of this Article. Failure to take final action on an application within the prescribed time limit, or extensions thereof, shall result in approval of the application as submitted. The Town Manager or the Commission may impose such reasonable conditions on the approval of an application as will ensure that the spirit and intent of this Article are achieved. An application for a Certificate of Appropriateness authorizing the demolition of a building or structure within the Historic District may not be denied. However, the effective date of such a certificate may be delayed for up to three hundred and sixty-five (365) days from the date of approval. The maximum period of delay authorized by this Section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the Commission finds that the building has no particular significance or value toward maintaining the character of the Historic District, it shall waive all or part of such period and authorize earlier demolition or removal. In every case, the record of the Commission's action shall include the reasons for its action.
  - (5) Actions Subsequent to Decision. The Town Manager shall notify the applicant of a decision in writing, and shall file a copy of it with the Town's Planning Department. If the application is denied, the notice shall include the reasons for such action.
  - (6) Appeal of Decision. A decision by the Commission on an application for a Certificate of Appropriateness may be appealed to the Board of Adjustment in accordance with the provisions of Section [4.11](#).

- (7) Submittal of New Application. If the Commission denies an application for a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantive change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

(e) ***Review Criteria***

- (1) In considering an application for a Certificate of Appropriateness, the review shall take into account the historical and/or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure.
- (2) The review shall not consider interior arrangement or use.
- (3) The Commission, using the criteria below, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the Historic District.
- (4) The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness:
  - A. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
  - B. The setback and placement on lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
  - C. Exterior construction materials, including texture and pattern.
  - D. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
  - E. Roof shapes, forms, and materials.
  - F. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration.
  - G. General form and proportions of buildings and structures.
  - H. Appurtenant fixtures and other features such as lighting.
  - I. Structural conditions and soundness.
  - J. Architectural scale.