

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 414
HOUSE BILL 499

AN ACT TO AMEND CHAPTER 278 OF THE SESSION LAWS OF 1965
RELATING TO THE CONTROL OF THE APPEARANCE OF STRUCTURES IN
CERTAIN DISTRICTS OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Section 2(b) of Chapter 278 of the Session Laws of 1965 is hereby amended by striking out said subsection (b) and by inserting in lieu thereof the following:

"(b) Create and appoint a special Appearance Commission consisting of not less than seven nor more than 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 Board of Aldermen for such terms, not to exceed five 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 Board of Aldermen shall seek to maintain at all times as members of the Commission not less than three members who have had special training or experience in a design profession."

Sec. 2. Chapter 278 of the Session Laws of 1965 is hereby amended by adding the following new Sections immediately following Section 2 thereof, to read as follows:

"Sec. 3. 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 Board of Aldermen. 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 Chapel Hill Board of Aldermen.

(3) To formulate and recommend to the Chapel Hill Planning Board and Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen 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."

Sec. 4. The Appearance Commission shall, no later than May 1 of each year, submit to the Chapel Hill Board of Aldermen a written report of its activities, an analysis of its expenditures to date for the current fiscal year and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year. All accounts and funds of the Commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.

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 of the Town of Chapel Hill. 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 approved budget. All sums appropriated by the Town of Chapel Hill to further the work and purposes of the Commission shall be deemed to have been appropriated for a public purpose.

Sec. 5. Sections 3, 4 and 5 of Chapter 278 of the Session Laws of 1965 are hereby amended by renumbering and redesignating the same as Sections 5, 6 and 7, respectively.

Sec. 6. Should any Section, clause or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

Sec. 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.