

## CHAPTER 34: BOARDS AND COMMISSIONS

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### ***PLANNING BOARD***

#### **§ 34.01 CREATION.**

Pursuant to G.S. § 160A-361 and 160A-362, there is hereby created a Planning Board of the town, to perform the functions and the duties herein prescribed. ('81 Code, § 2-41) (Ord. passed 2-25-76)

#### **§ 34.02 MEMBERSHIP; VACANCIES; ATTENDANCE.**

The Planning Board shall consist of six members. Three members shall be citizens

and residents of the town and shall be appointed by the Town Board of Commissioners; three members shall be citizens of the county who reside outside the town but within the extraterritorial jurisdiction of the town as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. § 160A-360(b), and shall be appointed by the County Board of Commissioners. The members of the Planning Board shall serve for terms of three years; provided for the initial board, one town resident and one county resident shall be appointed for terms of one, two and three years each respectively; their successors being appointed for terms of three years. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Board is to be considered a prerequisite to continued membership and the Board of Commissioners may remove and replace any member continually delinquent in his duty to attend.  
(‘81 Code, § 2-42) (Ord. passed 2-25-76)

### **§ 34.03 ORGANIZATION; RULES, MEETINGS AND RECORDS.**

The Planning Board shall elect a Chairperson and create and fill such other offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members’ attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall hold at least two meetings each year and special meetings so required, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action.  
(‘81 Code, § 2-43) (Ord. passed 2-25-76)

### **§ 34.04 JURISDICTION AND VOTING.**

Each member of the Planning Board shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regulation of matters within the corporate limits and within the extraterritorial area outside the town, both in preparation of the original regulations and in consideration of any proposed amendments to such regulations.

(Ord. passed 2-25-76; Am. Ord. 2005-10, passed 9-20-05)

### **§ 34.05 POWERS AND DUTIES.**

It shall be the duty of the Planning Board, in general, to:

- (A) Make studies of the area within its jurisdiction and surrounding areas;
- (B) Determine objectives to be sought in the development of the study area;
- (C) Prepare and adopt plans for achieving these objectives;

(D) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the Board of Commissioners may direct;

(E) Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;

(F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Commissioners may direct;

(G) Perform any other related duties that the Commissioners may direct.  
(‘81 Code, § 2-45) (Ord. passed 2-25-76)

#### **§ 34.06 BASIC STUDIES FOR BACKGROUND ON PLANS, ORDINANCES AND OTHER AREAS OF APPLICATION.**

(A) As background for its comprehensive plans and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of manmade and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

(B) In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include, but are not limited to, studies of housing, commercial and industrial facilities, public and private utilities, and traffic, transportation and parking facilities.

(C) All officials of the town shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.  
(‘81 Code, § 2-46) (Ord. passed 2-25-76)

#### **§ 34.07 COMPREHENSIVE PLANS.**

(A) The comprehensive plans, with the accompanying maps, plats, charts and descriptive matter, shall be and show the Planning Board's recommendations to the Board of Commissioners for the development of the area, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, communication and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, properties, utilities or terminals.

(B) The comprehensive plans and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civil design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.  
(‘81 Code, § 2-47) (Ord. passed 2-25-76)

#### **§ 34.08 ZONING AMENDMENTS.**

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and map, based upon its studies and plans. In addition, the Board shall review and make recommendations to the Board of Commissioners concerning all proposed amendments to the zoning ordinance and map.  
(‘81 Code, § 2-48) (Ord. passed 2-25-76)

#### **§ 34.09 REVIEW OF SUBDIVISION REGULATIONS.**

(A) The Planning Board shall review, from time to time, the existing regulations for the control of land subdivision in the area and submit to the Board of Commissioners its recommendations, if any, for the revision of said regulations.

(B) The Planning Board shall review and make recommendations to the Board of Commissioners concerning all proposed plats of land subdivision.  
(‘81 Code, § 2-49) (Ord. passed 2-25-76)

#### **§ 34.10 RECOMMENDATIONS FOR PUBLIC FACILITIES.**

The Planning Board shall review with the Town Manager and other town officials and report its recommendations to the Board of Commissioners upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines. However, whether or not there is a recommendation from the Planning Board, the Board of Commissioners may, if it deems wise, take final action on any such matter at any time.  
(‘81 Code, § 2-50) (Ord. passed 2-25-76)

#### **§ 34.11 PUBLIC HEARINGS.**

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the plans.  
(‘81 Code, § 2-51) (Ord. passed 2-25-76)

**§ 34.12 REPORTS, EXPENDITURES AND BUDGET REQUESTS.**

The Planning Board shall, in May of each year, submit in writing to the Town Manager a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and shall submit to the Town Manager for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year.  
(‘81 Code, § 2-52) (Ord. passed 2-25-76)

***BOARD OF ADJUSTMENTS***

**§ 34.20 APPOINTMENT OF MEMBERS.**

The Board of Adjustments shall consist of six members; three appointed by the Town Board of Commissioners and three appointed by the County Board of Commissioners.  
(Ord. passed 1-10-77)

***HISTORIC PRESERVATION COMMISSION ORDINANCE***

**34.40 PURPOSE**

The purpose of this ordinance, pursuant to North Carolina General Statutes 160A-400.1 (Legislative Findings), is to establish a Tryon Historic Preservation Commission, pursuant to North Carolina General Statute 160A-400.7 (Historic Preservation Commission) in support and furtherance of its findings and determination of the Town of Tryon, North Carolina, that the historical, cultural and aesthetic heritage of the municipality is among one of its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people.

The Board of Commissioners of the Town of Tryon hereby declares it to be the purpose and intent of this Ordinance to establish a Historic Preservation Commission to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

It is further the purpose of this Ordinance, that the Tryon Historic Preservation Commission’s jurisdiction for its activities shall coincide with the Town of Tryon’s zoning boundaries as delineated and shown on the official zoning map for the Town of

Tryon, pursuant to North Carolina General Statutes 160A-400.3 (Character of Historic District Defined).

#### **34.41 MEMBERSHIP AND VACANCIES**

The Historic Preservation Commission shall consist of three (3) members. All members shall be residents of the Town of Tryon or its extraterritorial jurisdiction zoning area and shall be appointed by the Board of Commissioners of the Town of Tryon. For the initial appointments to the Commission, one of the members shall be appointed for a term of one year, one member shall be appointed for a term of two years and one member shall be appointed for a term of three years. Their successors shall be appointed to three year terms.

Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Commission and conscientious performance of duties required of the members of the Commission shall be considered a prerequisite for continued membership on the Commission. All members shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the Town of Tryon, North Carolina, at least two (2) members shall be appointed from among professions in the disciplines of architecture, history, architectural history, planning, archaeology or related professions. Members shall not receive a salary, but may be reimbursed for expenses.

#### **34.42 DEFINITIONS**

***Building*** – a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure (may refer to a historically related complex such as a courthouse and jail or a house and barn).

***Certificate of Appropriateness*** – document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

***Exterior Architectural Features*** – the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.

***Exterior Environmental Features*** – all aspects of the landscape or the development of a site which affect the historic character of the property.

***Historic District*** (pursuant to North Carolina General Statute 160A-400.4 Designation of Historic Districts) – a geographically definable area, possessing a significant

concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Board of Commissioners of the Town of Tryon as a Historic District pursuant to the criteria established in this Ordinance.

***Historic Property/Landmark*** (pursuant to North Carolina General Statutes 160A-400.5. Designation of Landmarks; Adoption of an Ordinance; Criteria for Designation and 160A-400.6 Required Landmark Designation Procedures) – an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Board of Commissioners of the Town of Tryon, North Carolina, as a historic property pursuant to the criteria established in Section IV of this Ordinance.

***Material Change in Appearance*** – a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

(A) Reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

(B) Demolition or relocation of a historic structure;

(C) Commencement of excavation for construction purposes;

(D) Change in the location of advertising visible from the public right-of-way; or

(E) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

***Object*** – a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

***Site*** – location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

***Structure*** – work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

### **34.43 GENERAL POWERS AND DUTIES**

It shall be the duty of the Historic Preservation Commission (pursuant to the North Carolina General Statutes noted under Item IV-L):

(A) To make studies related to historic preservation of the area within its jurisdiction and surrounding areas; to acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in those conditions as related to historic preservation;

(B) To determine objectives to be sought in the development of the area studied;

(C) To prepare, adopt, and from time to time amend and revise plans/documents for achieving those objectives, including a comprehensive and coordinated plan for historic preservation in the area;

(D) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans related to historic preservation in a coordinated and efficient manner;

(E) To advise the Board of Commissioners concerning the use and amendment of various means for carrying out actions as related to historic preservation and as directed by the Board of Commissioners;

(F) Recommend to the Board of Commissioners specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties, historic landmarks or historic districts;

(G) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;

(H) Recommend to the Board of Commissioners that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;

(I) Exercise any functions in the administration and enforcement of various means for carrying out plans related to historic preservation that the Board of Commissioners may direct;

(J) To determine whether specific proposed developments and/or project renovations conform to the principles and requirements of historic preservation in the area;

(K) To keep the Board of Commissioners informed and advised as to the above described duties.

(L) To perform any other related duty that the Board of Commissioners may direct or which is allowed under N.C. Gen. Stat. 160A-400.8, and in compliance with the powers and duties outlined under North Carolina General Statutes:

- G.S. 160A-400.8. Powers of the Historic Preservation Commission.
- G.S. 160A-400.9. Certificate of appropriateness required.
- G.S. 160A-400.10 Conflict with other laws.
- G.S. 160A-400.11. Remedies.
- G.S. 160A-400.12. Appropriations.
- G.S. 160A-400.13. Certain changes not prohibited.
- G.S. 160A-400.14. Delay in demolition of landmarks and buildings within historic district.

### **34.44 BASIC STUDIES**

As background for its work and any ordinances/documents it may prepare, the Historic Preservation Commission may gather maps and aerial photographs of man-made or natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the needs, resources, and implementation of policies to meet the intent of this Ordinance and its functions.

In addition, the Commission may make, cause to be made or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but are not limited to studies of housing, commercial and industrial facilities, public and private utilities; and traffic, transportation and parking facilities. All municipal officials shall, upon request, furnish to the Commission such available records or information as it may require in its work. The Commission or its agents may, in the performance of its official duties, and subject to the provisions of N.C. Gen. Stat. 160A-400.8(8) and any other relevant statutes, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

### **34.45 MISCELLANEOUS POWERS AND DUTIES**

The Historic Preservation Commission may conduct such public hearings as may be required or desired to gather information necessary for the drafting, establishment and maintenance of the documents and ordinances related to or developed for historic preservation in the Town of Tryon and its extraterritorial jurisdiction zoning area.

The Historic Preservation Commission shall have power to promote public interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

**34.46 ANNUAL REPORT**

The Historic Preservation Commission shall submit a written summary of its activities to the Board of Commissioners once a year.

(Ordinance 2010-06, adopted 04/20/10)

**Initial Historic Preservation Commission Appointments**

Name	Term Expires
1. _____	
2. _____	
3. _____	