



**TOWN OF DAVIDSON  
DESIGN REVIEW BOARD  
7:00PM Board Room in Town Hall at 216 S Main St, Davidson, NC**

**October 17, 2018**

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**I. CALL TO ORDER**

**II. SILENT ROLL CALL**

**III. CHANGES TO THE AGENDA**

**IV. REVIEW/APPROVAL OF THE MINUTES**

- (a) Minutes 2018 September 19

**V. NEW BUSINESS**

- (a) Mine by Sandy Signage

**VI. OTHER ITEMS**

- (a) Main Street Grant Discussion
- (b) Historic Preservation Consultant Update
- (c) Historic Landmarks Meeting
- (d) Certified Local Government Draft Ordinance Language

**VII. ADJOURN**



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**Agenda Title:** Minutes 2018 September 19

**Summary:**

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**ATTACHMENTS:**

Description	Upload Date	Type
☐ Minutes 2018 September 19	10/10/2018	Cover Memo

# Meeting Minutes

## Design Review Board

Town of Davidson, NC  
September 19, 2018

A meeting of the Town of Davidson *Design Review Board* was held in the Town Hall, Administrative Conference Room, 216 S. Main St.

**Call to Order:** 7:01 p.m.

### Silent Roll Call and Determination of Quorum:

Members Present signified by ☒:

☐ Bruce Barteldt, Chair  
☒ Tom Goodwin  
☐ Mike Kessler

☒ John Burgess  
☒ Brian Bumann  
☒ Bob Sipp

☒ EB Dyer  
☒ Lorraine Degree

Town Staff Present: Jason Burdette (Planning Director) and Lindsay Laird (Planning Technician)

**Changes to the Agenda:** None.

### Review/Approval of the Minutes

A motion was made (ED) to approve meeting minutes of August 15, 2018 as written. It was seconded (JB) and the motion was approved unanimously.

**Consent Item:** None.

### Old Business:

#### 1. North Harbor Club

400 N. Harbor Place

Currently Special Use Planning Area; Conditional Planning Area proposed

Renovations to the building to allow for a banquet facility.

Represented by Mike Standley and Matt Bartels

Jason Burdette gave an overview of the project, noting that the Board expressed concern over the lighthouse element at the August meeting.

Updated elevations showing additional lighthouse detail were shown. Additionally, a sectional perspective of the lighthouse was shown, which was not previously available.

The applicant explained how the lighthouse element will meet with the existing roof. The lighthouse base will be constructed to sit on top of the existing roof and will have an exterior finish to match existing painted wood shakes. The bottom of the lighthouse will have a white stucco finish with a bronze metal railing around a platform. The lighthouse will be constructed with clear glass and will have a copper color metal roof and finial to match the proposed canopy on the front of the building.

After discussion, a motion was made (ED) to approve the 400 building as submitted. It was seconded (JB) and approved unanimously.

**New Business:**

**1. Escape 109 Signage**

Located at 109 N. Main Street  
Village Center (Local Historic District)  
Proposed wall sign located in the Local Historic District  
Represented by Stephen Rust (Escape 109)

Jason Burdette gave a brief overview of the project, stating that there is one wall sign proposed on the building facing Main Street.

The wall sign will be constructed of aluminum with vinyl graphics and border. The design includes the logo for Escape 109. The applicant clarified that the fasteners will be in the mortar and not through the brick itself.

After brief discussion, a motion was made (JB) to approve the sign as submitted and was seconded (LD). The motion was approved unanimously.

**2. Davidson Farmers Market Shed**

Located on town-owned land between Summit Coffee and the Knox Building  
Village Center Planning Area (Local Historic District)  
Improvements to the storage shed located on town-owned land in order to make the space more functional for the farmers market  
Represented by Abby Wyatt (Davidson Farmers Market).

Jason Burdette introduced the project, noting that the request includes:

- A new framed wall interior to the existing structure;
- A new hipped metal roof;
- Alterations to the existing doors on the south elevation; and
- Optional lighted wall

The Board noted that the perspective drawings do not match the proposed floor plans as submitted. Additionally, there is no detail for the proposed interior wall as part of the submittal.

The Board requested additional clarification on the following:

- Details showing the interior wall of the structure;
- Additional details on outside lighting;
- Elevations of all four sides of the proposed structure, including notations on materials used;
- Photos of all four sides of the structure showing the existing conditions; and
- Consideration of a gutter system for the structure.

After discussion, it was decided to continue the Farmers Market Shed to finalize design and details. No further action taken.

**Other Items:** Dawn Blobaum gave an update to the Board on the expansion of the Local Historic

District. Dawn will distribute the RFP and an updated Historic District Ordinance at future meeting dates.

**Adjourn:** A motion was made to adjourn (BB), seconded (ED), and approved unanimously. The meeting was adjourned at 7:54 pm.

**Approval of Minutes:**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**Please note: This is a summary of the meeting and not to be considered a complete transcript.**



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**Agenda Title:** Mine by Sandy Signage

**Summary:**

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**ATTACHMENTS:**

<b>Description</b>		<b>Upload Date</b>	<b>Type</b>
☐	Mine by Sandy Signage - Staff Analysis	10/10/2018	Cover Memo
☐	Mine by Sandy Signage - Existing Conditions	10/10/2018	Cover Memo
☐	Mine by Sandy Signage - Proposed Wall Sign	10/10/2018	Cover Memo

**Town of Davidson, NC  
Design Review Board: Staff Analysis  
September 19, 2018**

**Project:** Mine by Sandy - signage  
**Location:** 106 S. Main Street  
**Applicant:** Sandy Bowers  
**Designer:** Artisan Signs and Graphics  
**Planning Area:** Village Center (Local Historic District)

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Monkees, located at 106 S. Main Street, is changing to a new name and logo; as such, there is a request to replace the existing signage on the property. The change includes replacing the existing wall sign with a new projecting sign on the front façade of the building. Because the sign will be affixed to a structure in the Local Historic District, DRB approval is required.

The DPO restricts projecting signs to a maximum area of 12 square feet. The proposed projecting sign is 36 inches by 16 inches, or four square feet.

The projecting sign will be made of routed HDU (foam) material. Letters will be raised and painted. The border will be painted brass. The mounting bracket will be painted to match the sign border. The sign design includes the text "Mine, the smaller shop by Sandy." It will not be illuminated.

**DAVIDSON PLANNING ORDINANCE:**

**Section 11.2.2.B**

*All signs proposed to be affixed to a structure in the Local Historic Overlay District must be approved by the Design Review Board to determine that the signage meets the provisions of this section and any historic district requirements.*

**Section 11.4.1.7 Projecting Sign**

*A sign directly attached and not parallel to a building façade or dependent upon a building for its support.*

**1. Permitted Location**

- *Building facades that face the right of way, pedestrian passageways, and/or parking associated with the establishment.*

**2. Area & Dimensions**

- *12 square feet maximum per side.*
- *Three feet maximum width.*
- *Four feet maximum projection from building.*

**3. Height**

- *18 feet maximum.*

- *A minimum of seven feet of clearance must be maintained between the bottom of the sign and the grade.*

4. *Additional Requirements*

- *Must be perpendicular to the building façade.*
- *Internally illuminated signs are not permitted*
- *Any external illumination may not be attached to the sign.*

## **HISTORIC DISTRICT GUIDELINES:**

### ***Signs (pages 54-55)***

5. *Introduce new signs, if needed, in traditional locations where they do not diminish or compromise the overall historic character of the building, site, or district. Design new signs to be compatible in location, configuration, orientation, height, material, scale, and detail with the historic character of the building, site, and district.*
7. *Construct new signs in traditional materials, such as wood, stone, or metal, or apply lettering and graphics on display windows or awning fabric. It is not appropriate to introduce signage in contemporary materials such as plastics or to introduce internally lighted signage that is incompatible with the overall historic character of the district.*

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T:\Planning\_Shared\_(Common)\04.BOARDS COMMISSIONS\Design Review\Agenda Packets\2018 DRB Agendas\20181017\_DRB-Agenda\Mine by Sandy Signage









36" x 16" Routed HDU. Letters are Raised and Painted. Border will be painted brass. Mounting Bracket will be painted to match border of sign.

Date	09/27/2018
Designer	CP
Salesperson	PT
Sign Style:	Hanging Sign
Additional:	
Material	HDU
Trim	N/A
Face	N/A
Mounting	N/A
Colors	No PMS
Job Description	
Installation method	
Approval	

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**Agenda Title:** Main Street Grant Discussion

**Summary:** Economic Development Manager Kim Fleming will discuss the Main Street Grant program. The Main Street Grant program provides direct financial benefit to small businesses in our local historic district. The purpose of this discussion item is for the Historic Preservation Committee to provide feedback on Main Street Grant applications.

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
❏ Davidson Wine Application	10/10/2018	Cover Memo
❏ Moxie Mercantile Application	10/10/2018	Cover Memo
❏ Summit Coffee Application	10/10/2018	Cover Memo



**DAVIDSON MAIN STREET BUSINESS GRANT  
APPLICATION**

**APPLICANT INFORMATION**

Name **Lindsey Williams**

Address **13619 Helen Benson Blvd** City **Davidson** State **NC**

Email Address **[lindseynwilliams@hotmail.com](mailto:lindseynwilliams@hotmail.com)** Phone Number **(614)738.0051**

**BUSINESS INFORMATION**

Name **Davidson Wine Co.**

Address **121 Depot Street** City **Davidson** State **NC**

Business Website **TBD** Phone Number **(614)738.0051**

**FINANCIAL INFORMATION**

Total cost of the project: **\$332,855**

Grant funds requested: **\$10,000**

Please specify how the grant funds will be used: **Grant funds will be used for the construction/rehabilitation of our new location at 121 Depot Street. The building needs extensive repairs including the repair and resurfacing of the exterior facade, extensive asbestos abatement, HVAC repairs and removal and general refinishing of the interior surfaces. Due to the extent of the renovations needed, we have budgeted a total of \$150,000 for leasehold improvements.**

Please answer the following questions: (on a separate sheet)

1. How is your project an innovative solution that addresses the needs of small business?
2. How does your project spur private investment?
3. How many jobs are being created or retained by your project?
4. What is the benefit of your project and how will it impact the community?
5. Describe how your project contributes to the vision of Davidson as a regional independent business hub.
6. Describe how your project contributes to downtown Davidson as a regional shopping/dining destination.

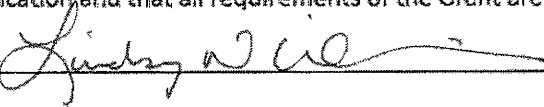
In addition to answering the above questions, please provide a copy of the following:

1. Project business plan
2. Project marketing plan (\*\*see pg. 17 of Business Plan)
3. Building and/or site plans
4. Timeline for implementation of project
5. Project budget including how grant funds will be used

A local grantee shall agree to release, indemnify and hold the Town of Davidson harmless with respect to any Davidson Main Street Business Grant. Additionally, grantees are required to ensure compliance with all applicable laws, rules, regulations, requirements, and policies. Such requirements apply to all Project activities, whether or not the work is performed by the grantee or some other third party and whether or not Grant funds have been awarded or distributed to any third parties or sub-recipients. To the extent the applicable laws, rules, policies or requirements are not followed (including, but not limited to representations made by a grantee in its application), the Town can take a variety of corrective actions. Among other things, this includes the right of the Town to (1) withhold or deny reimbursement of the full amount of the Grant to the grantee where there is noncompliance with any applicable law, rule, policy, or requirement (even when such noncompliance is the result of a third party's action) and/or (2) require the grantee to repay all or part of a Grant where improper use of the funds or non-compliance with any law, rule, regulation or requirement has occurred.

Do you agree to use the funding provided by the Town of Davidson for the function described in your application and that all requirements of the Grant are met? Yes or no

Signature



Date

9/4/18

#### FOR INTERNAL USE

Date reviewed \_\_\_\_\_

Points awarded \_\_\_\_\_

Grant funds awarded \_\_\_\_\_

Grant funds distributed \_\_\_\_\_

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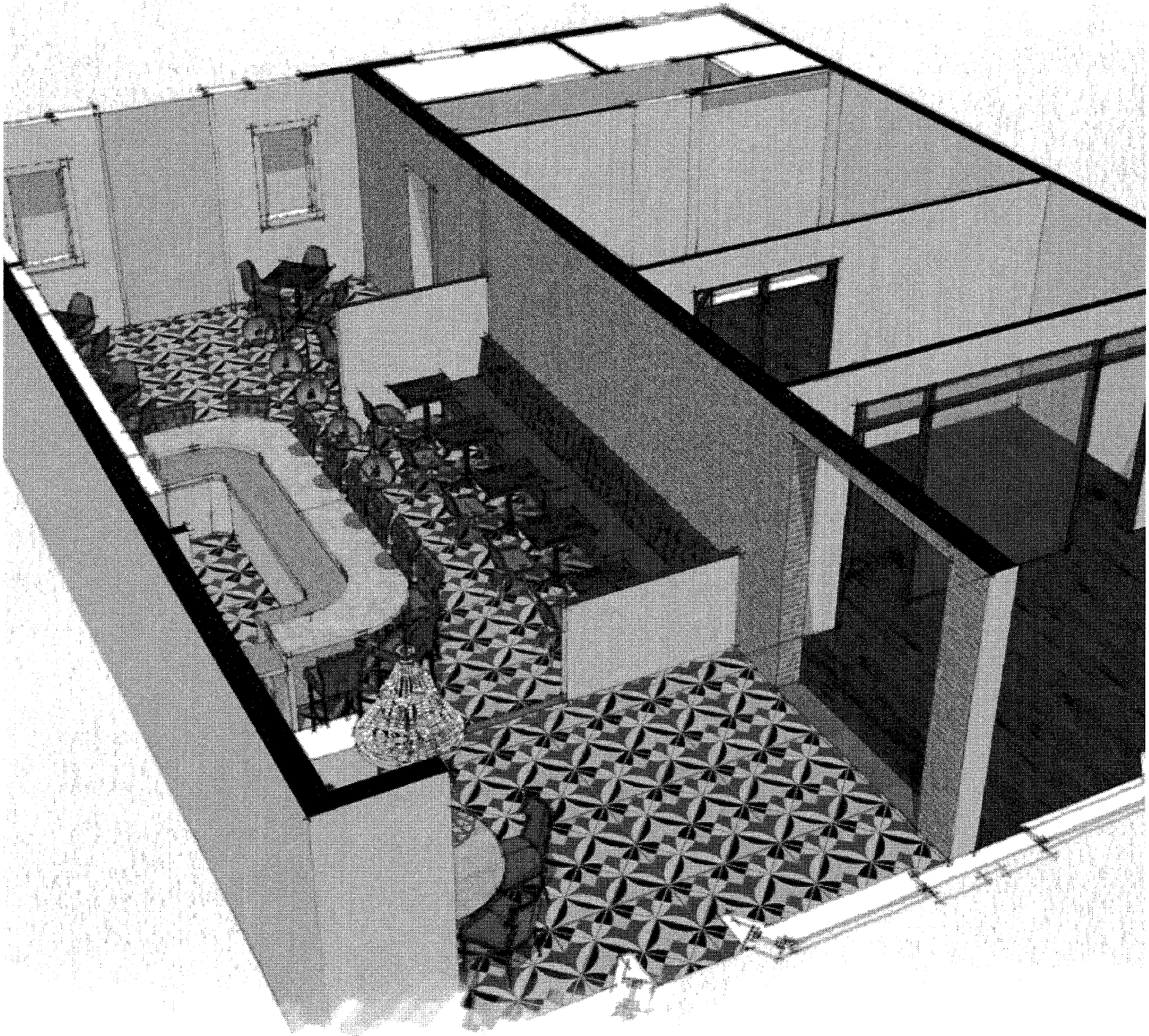


### **Main Street Business Grant Application**

September 4, 2018

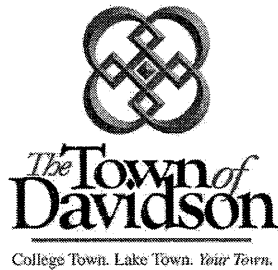
- (1) As the first urban winery in Davidson, NC, Davidson Wine Co. is an innovative small business. I founded this company because I saw a need for our Town. Until now, Davidson has had few wine shops and its residents have never had access to locally made wine. Not only will Davidson Wine Co. satisfy the Town's desire to support local business, it will provide a gathering place for all to enjoy.
- (2) This project will spur private investment by renovating a historic property at 121 Depot Street. The building has been vacant for over 2 years and is somewhat an eyesore in the Main Street Business District. We are investing a considerable amount of capital for the renovation through the Carolina Small Business Development Fund. It is our hope that by renovating this space, Davidson Wine Co. will attract visitors from all over Davidson and surrounding areas.
- (3) We anticipate hiring at least 4 employees for the winery. This number may change based upon demand. In addition, we will use local companies for construction/renovation as well as food and beverage vendors.
- (4) Although there are great restaurants and shops along Main Street, there is no specialized wine shop. Davidson Wine Co. fills a void in the Town of Davidson. Our location will offer a bottling experience, bottle sales, wine bar sales, daily tastings and custom bottle labeling. We hope that Davidson Wine Co. will not just be a wine shop, but a gathering destination for the Town.
- (5) Davidson Wine Co. will further the goal of Davidson being a regional independent business hub. Town residents will now have a place to purchase wine made locally instead of visiting wine shops in surrounding areas or purchasing from large retailers. Income that would otherwise be leaving Town will now stay here in Davidson.
- (6) Davidson Wine Co. will be a regional destination. The nearest comparable urban winery is one hundred forty nine (149) miles away in Cary, NC. There are other wineries in Mecklenburg County, but none have bottling or custom labeling experiences for guests. Our vision is for Davidson Wine Co. to attract guests from Davidson and beyond for a unique winery experience.











## DAVIDSON MAIN STREET BUSINESS GRANT APPLICATION

### APPLICANT INFORMATION

Name\_Michelle and Clifton Castelloe  
Address\_2630 Country Club Lane, Charlotte, NC 28205  
Email Address\_michelle@moxiemercantile.com Phone Number 704.858.4256

### BUSINESS INFORMATION

Name\_Moxie Mercantile  
Address...202 South Main Street, Suite A, Davidson, NC  
Business Website\_\_N/A Phone Number 704.858.4256

### FINANCIAL INFORMATION

Total cost of the project: \$17, 270.00

Grant funds requested: 50% of total= \$8635.00

Please specify how the grant funds will be used: Grant funding will be used to up-fit the building including all new electrical, flooring, interior painting, and wall restoration.

Moxie Mercantile is a small, family owned and operated business that will promote community engagement by offering local artisans an opportunity to sell their products. We will also employ 4-6 Davidson residents to manage daily shop operations. We look forward to contributing to and participating in community events with a collective focus on small local business growth and success.

1. How is your project an innovative solution that addresses the needs of small business?
  - We engage in business with local, independent artists to buy goods for our store.
  - We use a mix of vintage/antique and modern elements to maintain profit margins well above average retail
2. How does your project spur private investment?
  - Both of our locations are privately owned with private capital investments
3. How many jobs are being created or retained by your project?
  - We have opened up the opportunity for 1 full time and 5 part time positions in our Davidson location
4. What is the benefit of your project and how will it impact the community?
  - We only advertise through philanthropy, so we impact the community through opportunities to give back and build our business through community connections
  - We also employ local citizens as well as hand select local artists goods for resale
5. Describe how your project contributes to the vision of Davidson as a regional independent business hub.
  -
6. Describe how your project contributes to downtown Davidson as a regional shopping/dining destination.
  - Moxie Mercantile is dependent on a thriving community of like-minded individuals, we all succeed together. We will bring energy and community participation through our customer base and employees. We strive for excellence in customer service while providing a unique and well curated selection of goods for resale. We look for ways to partner with surrounding businesses and build our community to keep customers engaged in the town for longer periods of time.

## Moxie Mercantile Davidson

### Store Operating Statistics

Gross SF	750
Sell SF	650
Year 1 Sales / Selling SF	\$115
Year 1 Sales / Gross SF	\$100

Occupancy Cost / Gross SF (input below)

### Store Investment Statistics

	\$/GSF	TOTAL \$
Leasehold Improvements + key money	\$23.0	\$17,270
TI Allowance	\$0.0	\$0
Rent Abatement	\$0.0	\$0
Net Leasehold Improvements	\$23.03	\$17,270
	\$/SSF \$	27
Displays/Fixtures/Computers	\$15.4	\$10,000
Pre-Opening Expenses		10,000
Store Inventory / per SSF 3XT	\$76.9	\$50,000
<b>Total Store Investment</b>		<b>\$87,297</b>

### Store Model

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Sales	\$75,000	\$187,500	\$281,250	\$323,438	\$329,906
Sales per Selling SF	\$115	\$288	\$433	\$498	\$508
Same Store Sales Growth		150.0%	50.0%	15.0%	2.0%
Gross Profit	\$41,250	\$103,125	\$154,688	\$177,891	\$181,448
Gross Margin	55.0%	55.0%	55.0%	55.0%	55.0%
<b>Store Operating Expenses</b>					
Wages	\$15,000	\$30,000	\$35,000	\$40,000	\$42,000
% of Sales	20.0%	16.0%	12.4%	12.4%	12.7%
Occupancy	\$6,250	\$18,750	\$19,500	\$20,250	\$21,056
% of Sales	8.3%	10.0%	6.9%	6.3%	6.4%
Other Expense	\$5,000	\$11,000	\$12,000	\$13,000	\$14,000
% of Sales	6.7%	5.9%	4.3%	4.0%	4.2%
Total Store Expenses	\$26,250	\$59,750	\$66,500	\$73,250	\$77,056
% of Sales	35.0%	31.9%	23.6%	22.6%	23.4%
<b>EBITDA Contribution (Excluding Pre-Opening)</b>	<b>\$15,000</b>	<b>\$43,375</b>	<b>\$88,188</b>	<b>\$104,641</b>	<b>\$104,392</b>
<b>Cumulative EBITDA</b>	<b>\$68,375</b>	<b>\$68,375</b>	<b>\$146,563</b>	<b>\$251,203</b>	<b>\$365,596</b>
Margin	20.0%	23.1%	31.4%	32.4%	31.6%

A local grantee shall agree to release, indemnify and hold the Town of Davidson harmless with respect to any Davidson Main Street Business Grant. Additionally, grantees are required to ensure compliance with all applicable laws, rules, regulations, requirements, and policies. Such requirements apply to all Project activities, whether or not the work is performed by the grantee or some other third party and whether or not Grant funds have been awarded or distributed to any third parties or sub- recipients. To the extent the applicable laws, rules, policies or requirements are not followed (including, but not limited to representations made by a grantee in its application), the Town can take a variety of corrective actions. Among other things, this includes the right of the Town to (1) withhold or deny reimbursement of the full amount of the Grant to the grantee where there is noncompliance with any applicable law, rule, policy, or requirement (even when such noncompliance is the result of a third party's action) and/or (2) require the grantee to repay all or part of a Grant where improper use of the funds or non-compliance with any law, rule, regulation or requirement has occurred.

Do you agree to use the funding provided by the Town of Davidson for the function described in your application and that all requirements of the Grant are met? **Yes**

Signature Michelle Castelle Date September 28, 2018

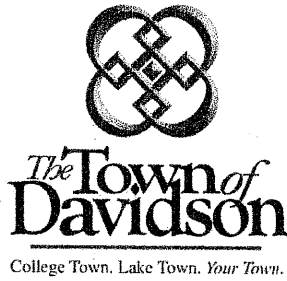
**FOR INTERNAL USE**

Date reviewed \_\_\_\_\_

Points awarded \_\_\_\_\_

Grant funds awarded \_\_\_\_\_

Grant funds distributed \_\_\_\_\_



DAVIDSON MAIN STREET BUSINESS GRANT  
APPLICATION

APPLICANT INFORMATION

Name BRIAN HELFRICH

Address 317 CATAWBA AVE City DAVIDSON State NC

BUSINESS INFORMATION

Name Summit Coffee Co.

Address 128 S MAIN City DAVIDSON State NC

FINANCIAL INFORMATION

Total cost of the project: \$ 13,500.00

Grant funds requested: \$ 6,750.00

Please specify how the grant funds will be used:

This will reimburse Summit for funds used to improve our  
Basecamp store, repairing an aging building to better serve  
a growing customer base + a growing business. More details  
on the application.



128 S MAIN ST.  
DAVIDSON, NC 28036

## **Davidson Main Street Business Grant Application**

**FY 2018-19**

### **1. How is your project an innovative solution that addresses the needs of small business?**

*Summit Coffee opened on Main St. in Davidson in September 1998, and each day since has established itself as Davidson's "living room," as so many townspeople have described. At the same time, Summit has brought lots of regional traffic through Davidson as we've grown into a nationally recognized coffee company. Despite all of this growth, our Basecamp location — as we affectionally refer to it — is the heart of our business. We interact with more customers at Basecamp on a daily basis than we do in our other two cafes and roasting business, combined.*

*We love our building, old and creaky but charming and historic. It is, however, in constant need of love, and as we continue to serve thousands of customers a week (an average of 5,000 per week), we need to renovate and improve it as a reflection of both our business and of Davidson. We also recognize that, as a small business, we cannot afford to invest too much in a building we do not own, nor can we afford to close the cafe down for weeks at a time to make significant upgrades. All the work we've put into our Basecamp cafe on Main Street has happened in the middle of the night or on holidays, using only local labor (either Summit employees or local contractors). In a nutshell, we invest in our community and our people without taking away daily access to their Summit!*

*In short, Basecamp needed three major upgrades to keep up our steady flow of business while also providing a safe and healthy environment for both our staff and customers: a refurbished water-heater/mop room; a refurbished dish room; and aesthetic upgrades to modernize the aging building.*

### **2. How does your project spur private investment?**

*Summit invested \$13,500 of its own money on these capital improvements for the benefit of our staff and our customers. The money came directly from the pockets of ownership — Brian and Tyler Helfrich. Summit is requesting this grant as a reimbursement for work already done. The private investment the Helfriches made was worth it, regardless of whether the town granted us some reimbursement. But Summit continues to reinvest in the building and innovate to grow Summit in Davidson, and will continue to do so because we believe in our town.*

### **3. How many jobs are being created or retained by your project?**

*The building that houses Summit on Main Street is, rather quickly, falling apart. By investing in the property, piece by piece, we're preserving the success of Summit Coffee in Davidson. Summit presently employs 14 full-time employees for our business on Main Street in Davidson, and the structural integrity of this building allows us to not only continue employing them, but adding more jobs. For comparison, in 2013, we had only 8 employees.*

### **4. What is the benefit of your project and how will it impact the community?**

*The aging of the building itself rendered both our sink room. where our staff does thousands of dishes per day. and*

the mop room, where our water heater was leaking, relatively useless. The leaking water heater made the mop room slippery and dangerous, and made hot water undependable. Not only did we need to replace the water heater itself, but we needed to replace the floor under it, and the ceiling above it. The result is a health code-certified heater with a more organized and safer infrastructure. Likewise, the dish room had leaking pipes and a rotting floor. We repaired the damages to the building and installed new plumbing and equipment to make dishwashing efficient for our staff.

Both of those upgrades help our staff better serve the community. We're serving more efficiently, in a safer environment. Furthermore, the front-of-house upgrades — new tile all around the cafe, a built-in bench to replace cumbersome tables — make the Summit experience more pleasant for the community. We've added 20 seats upstairs and downstairs, to better accommodate a busier cafe and our growing community. It also makes Summit's Basecamp store more of a destination for coffee fans, both regionally and nationally. We're seeing an increase in out-of-town traffic that is no doubt adding to the local economy.

## **5. Describe how your project contributes to the vision of Davidson as a regional independent business hub.**

When we speak of growth for Summit, we always look internal. Our ability to both hire and retain the top talent locally has always kept us growing at a terrific pace. Summit employee 12 Davidson College graduates, all of whom could leave Davidson and get similar and, certainly, higher-paying jobs elsewhere.

But our company's commitment to always do well by its people, to always grow them to the fullest extent of our means, has allowed us to attract and keep great employees. Continuing to reinvest in our building is a continued reinvestment in our staff. We want to make their workplace more efficient and safe, so they can spend more time on higher leverage items at work. We bring jobs to Davidson AND keep them, and the town of Davidson's investment in Summit is a great investment in the town as a regional business hub.

## **6. Describe how your project contributes to downtown Davidson as a regional shopping/dining destination.**

We contend that Summit has done as much as any other local business to make Davidson a destination. When people talk about the best towns in the Charlotte area, or in the Southeast, we want them to speak first of Davidson. Because we believe that ourselves. And likewise, when people talk about where to get coffee in Charlotte, we want Summit to be at the forefront of minds. In addition to serving a great project, we want the space to be memorable and dynamic and well-designed. We believe that this project has made the cafe more modern, more remarkable, and the uptick in press attention and social media attraction is significant.

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## **1. Business Plan**

Summit Coffee is a quickly growing company, with three cafes and more than 80 wholesale accounts nationwide. And as we expand, as we get better known in the coffee industry, we increase the emphasis we put on our small-town roots. Our aspirations are clear: become one of the most successful and well-known coffee companies in the United States, and as that continues to come into focus, more people are coming through our Basecamp location.

I don't drink Starbucks very often, but when I went to Seattle, I went by their original cafe at Pike's Market. Why? Because brand heritage is important. We love Davidson, and as our brand grows, we want our Basecamp store to grow with it. So in spite of the aging building, and floors that cave in (from time to time), we need to improve our downtown Davidson cafe to keep up with Summit as a whole.

Our business plan all along has been to expand our business and strengthen our roots in Davidson. That's why we opened a second cafe in Davidson, on the College campus. That's why our company leadership is based in Davidson, despite



our company products. We represent the best of Davidson, the town that gave Summit life, and Davidson represents the best of us.

## 1. Marketing Plan

Summit's mission, on a whole, is to approach coffee, community and collaboration with remarkable hospitality and a commitment to excellence. We aim to maintain a coffee business that will serve sustainable and thoughtfully produced offerings to our customers every day of the week. As an independent business, our goal is to grow nationally yet still maintain our position in the market as a successful 'grassroots company' and generate revenue into our flagship store: 'Basecamp' in Davidson.

Our target market is Davidson residents, visitors, and the global coffee community, including a community of adventurers, climbers, cyclists and outdoor enthusiasts. Our main objective is to be the best supplier of sustainable and thoughtfully produced and sourced coffee and still remain true to our roots. We are able to maintain our price point at \$2 for a drip coffee and still offer a superior product.

Our marketing goal as a coffee shop is tied to our company's mission statement. We want to continue to grow and to provide an excellent product to both new and loyal customers, all the while maintaining our individuality and our dedication to sustainable sourcing.

In view of that, we are set out to achieve the following market goals at our Basecamp store:

- Sell a minimum of 500 Cups of coffee Per Day (off peak period)
- Sell a minimum of 1200 Cups of coffee Per Day (peak period – weekends, and holidays)
- Generate annual sales of \$1,000,000
- To increase daily customer traffic by 10% annually

What we aim to achieve from our market efforts are as follows:

- To compete favorable with the leading national coffee shops
- To support employees who want to expand the brand.
- Build a self-sustaining business that will contribute toward the growth of the local economy

Our current marketing campaign, the Find Your Summit 100, celebrates our 20 years in the business and recognizes those individuals and organizations that have and continue to inspire us to achieve. Each week we will send out a gift package to 10 featured influencers thanking them for either their direct or indirect service to Summit. We will also produce a weekly podcast featuring a Find Your Summit 100 influencer in talks with Brian Helfrich.

Summit 's success and growth is possible because of the people we care about and who, in turn, care for us. We aim to sustain our long withstanding and symbiotic relationship with our community and ultimately provide the best product. With renewed support we will solidify our position in Davidson as an integral branch of the independent merchant community, which continues to strengthen the area's reputation as one of the most admired destinations in North Carolina.

**The Following charts how Summit spent the \$13,500 of private investment in the past fiscal year:**

**\$5000 - Main Floor : tiling, electrical, installed bench, installed hand sink**

**\$1000 - Dish Room : electrical, installed 3 compartment sink**

**\$7,000 - Water Heater + renovation of mop room**

**\$500 - Stage + Outdoor : electrical (used for the Davidson Farmers Market each week, as well)**

**\*Total Application - \$13,500\***



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**Agenda Title:** Historic Preservation Consultant Update

**Summary:** Mary Hanbury of Hanbury Preservation Consulting was selected as the historic preservation consultant for the town. The purpose of this discussion item is to provide an overview of the scope of work for the local historic district expansion.

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**Agenda Title:** Historic Landmarks Meeting

**Summary:** Davidson property owners are invited to a meeting on Monday, October 22 at 6:00 p.m. at Davidson Town Hall when they can learn about the historic landmark designation process. The Charlotte-Mecklenburg Landmarks Commission and the Town of Davidson want to preserve and protect historically significant structures in Davidson and its ETJ. Staff from the Charlotte-Mecklenburg Landmarks Commission will explain the process and answer questions.

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**Agenda Title:** Certified Local Government Draft Ordinance Language

**Summary:** Revisions must be adopted in accordance with the model Certified Local Government (CLG) preservation ordinance for the town to remain compliant with CLG requirements. The purpose of this discussion item is to provide an overview of the model ordinance attached.

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
▣ CLG Model Preservation Ordinance	10/10/2018	Cover Memo
▣ Davidson Specific CLG Preservation Ordinance	10/10/2018	Cover Memo

## HISTORIC PRESERVATION ORDINANCE

### SECTION 1 TITLE

The title of this ordinance shall be the city/county name Historic Preservation Ordinance.

### SECTION 2 PURPOSE

Whereas the historical heritage of city/county name is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160A-400.1 to 400.14) this ordinance is enacted in order to

- a. safeguard the heritage of city/county name by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- b. promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of city/county name and of the State as a whole.

### SECTION 3 HISTORIC PRESERVATION COMMISSION

#### 3.1 Creation and Appointment

There is hereby created, pursuant to general statute 160A-400.7, a historic preservation commission, hereinafter referred to as the "Commission." The Commission shall consist of seven (7) members<sup>1</sup> who shall be appointed by the local legislative body. Initially appointed terms shall be staggered so that one member serves a one-year term, two members serve a two-year term, two members serve a three-year term, and two members serve a four-year term. Thereafter, the local legislative body shall appoint members to terms of four (4) years<sup>2</sup>, with not more than two (2) terms expiring annually. Commissioners shall serve until their successors are appointed. A commissioner may serve two (2) consecutive terms, after which he or she shall be ineligible for reappointment for four (4) calendar years, elapsed from the date of termination of the second term. All commissioners shall reside within the territorial jurisdiction of the city or county, depending on which legislative body creates the commission.

<sup>1</sup> The minimum number required by state law is three (3). The minimum number required by the Certified Local Government (CLG) Program is five (5). Although there is no maximum, it is recommended that the number not exceed nine (9) and that it be an odd number of voting members.

<sup>2</sup> Four years is the longest allowable term length; two years is the minimum.

### 3.2 Qualification of Members

Members of the commission shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.<sup>1</sup>

### 3.3 Rules of Procedure

a. The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:

- (1) selection of Commission officers
- (2) time and place of regular meetings, and calling of special meetings
- (3) procedures for conduct of public hearings
- (4) keeping of minutes and Commission records
- (5) conduct of voting
- (6) conflicts of interest policy
- (7) attendance policy
- (8) forms to be used in applying for Certificates of Appropriateness
- (9) sufficient project information to make sound determinations regarding applications for Certificates of Appropriateness
- (10) list of minor works for which Commission staff may issue Certificates of Appropriateness

b. The Commission shall meet at least quarterly. All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).

c. The Commission shall annually present to the local legislative body a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

### 3.4 Powers and Duties

The Commission is hereby empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to<sup>2</sup>

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<sup>1</sup> It is assumed that professionals from these and similar disciplines will be appointed to the extent they are available within the community. However, the real requirement is not that the commission be composed entirely of professionals, but that the local government make – and be able to document – a “good faith effort” to seek out such professionals. It is still possible to have a legitimate commission without an architect, for instance. Professionals in these disciplines help enhance the commission’s credibility, but local governments are also encouraged to appoint members from other professions as well.

<sup>2</sup> Items a – h are required by state law and the Commission must be empowered with them; the ordinance may further authorize the Commission with any or all of the items i – t.

- a. organizing itself and conducting its business;
- b. receiving and spending funds appropriated by the local governing body for operating and performing its duties;
- c. conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d. recommending to the local governing body that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as “historic landmarks” and that areas within its zoning jurisdiction be designated as “historic districts;”
- e. recommending to the local governing body that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- f. reviewing and acting on proposals for
  - (1) exterior alteration, relocation, or demolition of designated historic landmarks;
  - (2) exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- g. negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h. instituting action, through the office of the local government agency responsible for enforcing zoning and/or codes violations<sup>1</sup>, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- i. entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and

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<sup>1</sup> The local government is legally obligated to enforce historic designation and zoning ordinances, just as it is obligated to enforce violations of fire code or local speed limits. The Commission is responsible for seeing that such ordinances are enforced by having commissioners who are attentive to all ongoing activities at a landmark or within a district and by notifying the proper enforcement official: the actual enforcement, such as a “stop work” order, is usually accomplished through the Building Inspector or Codes Official, according to whatever mechanism is commonly used in the local community.

inventories, or other purposes in performance of its official duties. However, no member, employee, or agent of the Commission shall enter any private building or structure without the express consent<sup>1</sup> of the owner or occupant thereof;

**j.** reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;

**k.** appointing advisory bodies or committees as appropriate;

**l.** negotiating with property owners for the acquisition or protection of significant historic properties;

**m.** acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the local governing body shall be acquired in the name of city/county name unless otherwise provided by that body;

**n.** accepting grants of funds from private individuals or organizations for preservation purposes;

**o.** conducting educational programs pertaining to historic landmarks or historic districts within its jurisdiction;

**p.** publishing or otherwise informing the public about any matter related to its purview<sup>2</sup>, duties, responsibilities, organization, procedures, functions, or requirements;

**q.** advising property owners about appropriate treatment(s) for characteristics of historic properties;

**r.** cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing

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<sup>1</sup> “Express consent” is consent can be given either verbally or in writing. Some commissions prefer to have owners or occupants sign a prepared form; others elect to accept verbal affirmatives.

<sup>2</sup> Within the range of the Commission’s function and mission – in other words, upon any matter pertaining to historic properties or districts within its jurisdiction.



the purposes of this ordinance, including entering into contracts, provided that such contracts are not inconsistent with state or federal law;

- s. preparing and recommending adoption of a preservation element, or elements, as part of a city/county name comprehensive plan;
- t. proposing to the local governing body amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of city/county name and its environs.

#### **SECTION 4 INVENTORY**

The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

#### **SECTION 5 HISTORIC LANDMARKS**

##### **5.1 Adoption of Ordinance of Designation**

- a. The local governing body may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall
  - (1) list the name or names of the owner or owners of the property;
  - (2) describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
  - (3) describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
  - (4) provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
  - (5) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the local governing body.
- b. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building,

structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

## **5.2 Criteria for Designation**

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

## **5.3 Procedure for Designation**

- a. The Commission shall make, or cause to be made, an investigation and designation report which includes
  - (1) the name of the property to be designated, including both common and historic names if they can be determined;
  - (2) the name(s) and address(es) of the current owner(s);
  - (3) the location of the property for which designation is proposed, including the street address and County name tax map parcel number or parcel identification;
  - (4) the dates of original construction and of all later additions or alterations, if applicable;
  - (5) an assessment of the significance of the building or site as prescribed by this ordinance;
  - (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
  - (7) a historical discussion of the site or structure within its type, period, and locality;
  - (8) a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and

(9) a map showing the location of the property, including all outbuildings and appurtenant features.

b. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the local governing body regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the local governing body of all responsibility to consider the Department's comments or recommendations concerning the report.

c. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the local governing body a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.

d. The local governing body shall hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the local governing body shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission staff

(1) shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;

- (2) shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of County name, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
- (3) shall, if the landmark lies within the zoning jurisdiction of City name, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the municipal clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector.
- (4) shall notify the tax assessor of County name of the landmark designation.

**g.** Upon notification from the Commission, the tax assessor of County name shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

**h.** In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision.

## **SECTION 6 HISTORIC DISTRICTS**

### **6.1 Adoption of Ordinance of Designation**

The local governing body may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

### **6.2 Criteria for Designation**

To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

### **6.3 Procedure for Designation**

- a.** The Commission shall make, or cause to be made, an investigation and designation report which includes

- (1) an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
- (2) a map clearly indicating the boundaries of the district and the properties, showing their County name tax map parcel numbers, contained therein.

**b.** A district designation report shall be

- (1) referred to the local planning agency for review and comment according to procedures set forth in the zoning ordinance of the city or county, depending on which legislative body creates the commission.
- (2) submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the local governing body regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the local governing body of all responsibility to consider the Department's comments or recommendations concerning the report.

**c.** At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the local governing body a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.

**d.** Upon receipt of a recommendation and designation report from the Commission, the local governing body shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

#### **6.4 Revisions to Districts**

Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 6.1 and 6.2 of this ordinance and as prescribed in Section 6.3.

## **SECTION 7      CERTIFICATES OF APPROPRIATENESS**

### **7.1    Certificate of Appropriateness Required**

- a.** From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or "Certificate") has been granted by the Historic Preservation Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
- b.** A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
- c.** For the purposes of this ordinance, "exterior features" shall include architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
- d.** A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the County name Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.
- e.** In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
- f.** Commission staff may issue a Certificate for minor works as defined in the Commission's Rules of Procedure. Minor works shall include the ordinary

maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

**g.** No application for a minor works Certificate shall be denied without deliberation by the Commission.

**h.** Under this section, the Commission shall institute action, through the office of the local government agency responsible for enforcing zoning and/or codes violations, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district.

## **7.2 Review Guidelines**

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

## **7.3 Certain Changes not Prohibited**

Nothing in this ordinance shall be construed to prevent

- a.** the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
- b.** the construction, alteration, relocation, or demolition of any such feature, building, or structure when the building inspector or similar official certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
- c.** a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
- d.** the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

## **7.4 Delay of Demolition**

- a. Except as provided below, a Certificate authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 3.4.
- b. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
- c. In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the local governing body, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission for a period of up to 180 calendar days or until the local governing body takes final action on the proposed designation, whichever occurs first. Should the local governing body approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180 day delay while designation was pending.

## **7.5 Demolition through Neglect**

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action, through the office of the local government agency responsible for enforcing zoning and/or codes violations, to prevent, restrain, correct, or otherwise abate such demolition,



provided such action includes appropriate safeguards to protect property owners from undue economic hardship.<sup>1</sup>

## **7.6 Applications and Required Procedures**

- a.** An application for a Certificate shall be obtained from Commission staff. Applications shall be completed in form and in content and filed with the staff at least ten (10) business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
- b.** The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
- c.** Incomplete applications shall not be accepted.
- d.** Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
- e.** When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
- f.** When considering the application, the Commission shall apply the review guidelines required by Section 7.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
- g.** The Commission shall have ninety (90) calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.

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<sup>1</sup> For more information on demolition by neglect and how to define and remedy “economic hardship,” please contact the North Carolina State Historic Preservation Office: <http://www.hpo.ncdcr.gov/>.

h. A Certificate shall be valid for 180 calendar days from date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, such Certificate shall immediately expire and the applicant shall be required to reapply.

i. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.

j. An appeal of a final action by the Commission may be made to the board of zoning adjustment for the jurisdiction served by the Commission. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the board of zoning adjustment for the jurisdiction served by the Commission within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by the board of zoning adjustment may be appealed to the superior court of County name.

k. A Certificate shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).

l. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the local governing body, or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

## **SECTION 8 CONFLICT WITH OTHER LAWS**

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the local governing body, the more restrictive ordinance or regulation shall govern.

## **HISTORIC PRESERVATION ORDINANCE**

### **SECTION 1 TITLE**

The title of this ordinance shall be the Town of Davidson Historic Preservation Ordinance.

### **SECTION 2 PURPOSE**

Whereas the historical heritage of the Town of Davidson is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160A-400.1 to 400.14) this ordinance is enacted in order to

- a. safeguard the heritage of the Town of Davidson by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- b. promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the Town of Davidson and of the State as a whole.

### **SECTION 3 HISTORIC PRESERVATION COMMISSION**

#### **3.1 Creation and Appointment**

Pursuant to general statute 160A-400.7, a historic preservation commission, hereinafter referred to as the "Commission" was created by ordinance in 1989 by the Davidson Board of Commissioners. The Commission shall conform to the following:

- The Commission shall consist of a minimum of seven members who shall be appointed by the Davidson Board of Commissioners.
- Initially appointed terms shall be staggered. Thereafter, the Davidson Board of Commissioners shall appoint members to terms of three years.
- Commissioners shall serve until their successors are appointed.
- All commissioners shall reside within the territorial jurisdiction of the Town of Davidson.

#### **3.2 Qualification of Members**

Members of the commission shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

### **3.3 Rules of Procedure**

**a.** The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:

- (1) selection of Commission officers
- (2) time and place of regular meetings, and calling of special meetings
- (3) procedures for conduct of public hearings
- (4) keeping of minutes and Commission records
- (5) conduct of voting
- (6) conflicts of interest policy
- (7) attendance policy
- (8) forms to be used in applying for Certificates of Appropriateness
- (9) sufficient project information to make sound determinations regarding applications for Certificates of Appropriateness
- (10) list of minor works for which Commission staff may issue Certificates of Appropriateness

**b.** The Commission shall meet at least quarterly. All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).

**c.** The Commission shall annually present to the Davidson Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

### **3.4 Powers and Duties**

The Commission is hereby empowered to undertake, or to delegate such responsibilities as they deem appropriate to the Charlotte-Mecklenburg Landmarks Commission, such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to

- a.** organizing itself and conducting its business;
- b.** receiving and spending funds appropriated by the Davidson Board of Commissioners for operating and performing its duties;
- c.** conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d.** recommending to the Davidson Board of Commissioners that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as "historic landmarks" and that areas within its zoning jurisdiction be designated as "historic districts;"

- e.** recommending to the Davidson Board of Commissioners that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- f.** reviewing and acting on proposals for
  - (1) exterior alteration, relocation, or demolition of designated historic landmarks;
  - (2) exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- g.** negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h.** instituting action, through the Davidson Code Enforcement official or Mecklenburg County Code Enforcement officials, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- i.** entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and inventories, or other purposes in performance of its official duties. However, no member, employee, or agent of the Commission shall enter any private building or structure without the express consent of the owner or occupant thereof;
- j.** reviewing and acting on proposals for alterations of interior features of designated historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
- k.** appointing advisory bodies or committees as appropriate;
- l.** negotiating with property owners for the acquisition or protection of significant historic properties;
- m.** acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the

property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the local governing body shall be acquired in the name of the Town of Davidson unless otherwise provided by that body;

- n. accepting grants of funds from private individuals or organizations for preservation purposes;
- o. conducting educational programs pertaining to historic landmarks or historic districts within its jurisdiction;
- p. publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions, or requirements;
- q. advising property owners about appropriate treatment(s) for characteristics of historic properties;
- r. cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance, including entering into contracts, provided that such contracts are not inconsistent with state or federal law;
- s. preparing and recommending adoption of a preservation element, or elements, as part of the Town of Davidson comprehensive plan;
- t. proposing to the Davidson Board of Commissioners amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the Town of Davidson and its environs.

#### **SECTION 4 INVENTORY**

The Commission shall use as a guide to identification, assessment, and designation of historic landmarks and districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

#### **SECTION 5 HISTORIC LANDMARKS**

##### **5.1 Adoption of Ordinance of Designation**

- a. The Davidson Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall

- (1) list the name or names of the owner or owners of the property;
- (2) describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
- (3) describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
- (4) provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
- (5) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the Davidson Board of Commissioners.

**b.** The landmark designation process may be initiated by either the Commission (or its designee) or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

## **5.2 Criteria for Designation**

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission (or its designee) to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

## **5.3 Procedure for Designation**

- a.** The Commission or its designee, the Charlotte-Mecklenburg Landmarks Commission, shall make, or cause to be made, an investigation and designation report which includes
- (1) the name of the property to be designated, including both common and historic names if they can be determined;
  - (2) the name(s) and address(es) of the current owner(s);
  - (3) the location of the property for which designation is proposed, including the street address and Mecklenburg County tax map parcel number or parcel identification;
  - (4) the dates of original construction and of all later additions or alterations, if applicable;
  - (5) an assessment of the significance of the building or site as prescribed by this ordinance;
  - (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
  - (7) a historical discussion of the site or structure within its type, period, and

locality;

- (8) a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
- (9) a map showing the location of the property, including all outbuildings and appurtenant features.

**b.** Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Davidson Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve Davidson Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.

**c.** At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Davidson Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.

**d.** The Davidson Board of Commissioners shall hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

**e.** Following the public hearing, the Davidson Board of Commissioners shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

**f.** Upon adoption of the ordinance, the Commission (or its designee) staff



- (1) shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;
- (2) shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Mecklenburg County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
- (3) shall, if the landmark lies within the zoning jurisdiction of the Town of Davidson, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the town clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to Mecklenburg County Code Enforcement department.
- (4) shall notify the tax assessor of Mecklenburg County of the landmark designation.

**g.** Upon notification from the Commission, the tax assessor of Mecklenburg County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

**h.** In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision.

## **SECTION 6 HISTORIC DISTRICTS**

### **6.1 Adoption of Ordinance of Designation**

The Davidson Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Commission or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

### **6.2 Criteria for Designation**

To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

### **6.3 Procedure for Designation**

- a.** The Commission shall make, or cause to be made, an investigation and designation report which includes
  - (1) an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
  - (2) a map clearly indicating the boundaries of the district and the properties, showing their Mecklenburg County tax map parcel numbers, contained therein.
- b.** A district designation report shall be
  - (1) referred to the Davidson Planning Department for review and comment according to procedures set forth in the Davidson Planning ordinance.
  - (2) submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Davidson Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the Davidson Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.
- c.** At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the Davidson Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.
- d.** Upon receipt of a recommendation and designation report from the Commission, the Davidson Board of Commissioners shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

#### **6.4 Revisions to Districts**

Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 6.1 and 6.2 of this ordinance and as prescribed in Section 6.3.

### **SECTION 7 CERTIFICATES OF APPROPRIATENESS**

#### **7.1 Certificate of Appropriateness Required**

- a.** From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or "Certificate") has been granted by the Historic Preservation Commission, or its designee, the Charlotte-Mecklenburg Landmarks Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.
- b.** A Certificate shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section shall be invalid.
- c.** For the purposes of this ordinance, "exterior features" shall include architectural style, general design, general arrangement, kind, and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
- d.** A Certificate shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed in the Mecklenburg County Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.
- e.** In approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.
- f.** Commission staff may issue a Certificate for minor works as defined in

the Commission's Rules of Procedure. Minor works shall include the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

**g.** No application for a minor works Certificate shall be denied without deliberation by the Commission.

**h.** Under this section, the Commission shall institute action, through the Davidson Code Enforcement official or the Mecklenburg County Code Enforcement department, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district.

## **7.2 Review Guidelines**

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that changes in designated landmarks or properties located districts shall be in harmony with the reasons for designation.

## **7.3 Certain Changes not Prohibited**

Nothing in this ordinance shall be construed to prevent

- a.** the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
- b.** the construction, alteration, relocation, or demolition of any such feature, building, or structure when the Mecklenburg County Director of Code Enforcement certifies to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
- c.** a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
- d.** the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

#### **7.4 Delay of Demolition**

- a.** Except as provided below, a Certificate authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied. However, the Commission may delay the effective date of such a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 3.4.
- b.** The Commission may deny an application for a Certificate authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
- c.** In the event that the Commission has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the Davidson Board of Commissioners, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the Commission for a period of up to 180 calendar days or until the Davidson Board of Commissioners takes final action on the proposed designation, whichever occurs first. Should the Davidson Board of Commissioners approve the designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180-day delay while designation was pending.

#### **7.5 Demolition through Neglect**

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission shall institute action, through the Davidson Code Enforcement official or the Mecklenburg County Code Enforcement department, to prevent, restrain, correct, or otherwise abate such demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship.

## **7.6 Applications and Required Procedures**

- a.** An application for a Certificate shall be obtained from Commission staff. Applications shall be completed in form and in content and filed with the staff at least ten (10) business days prior to the next regularly scheduled Commission meeting. Late applications shall be deferred until the following regularly scheduled meeting.
- b.** The Commission shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to determine an application.
- c.** Incomplete applications shall not be accepted.
- d.** Before considering an application for a Certificate, the Commission shall notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a Certificate or of any subsequent action.
- e.** When considering an application for a Certificate, the Commission shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.
- f.** When considering the application, the Commission shall apply the review guidelines required by Section 7.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.
- g.** The Commission shall have ninety (90) calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.
- h.** A Certificate shall be valid for 180 calendar days from date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, such Certificate shall immediately expire and the applicant shall be required to reapply.

- i. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.
- j. An appeal of a final action by the Commission may be made to the Davidson Board of Adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Davidson Board of Adjustment within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by the Davidson Board of Adjustment may be appealed to the superior court of Mecklenburg County.
- k. A Certificate shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with North Carolina General Statute 160A-400.9(f).
- l. In the case of any building, structure, site, area, or object designated as a historic landmark or of any property located within a designated historic district being threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this ordinance, the Commission, the Davidson Board of Commissioners, or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

## **SECTION 8      CONFLICT WITH OTHER LAWS**

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Davidson Board of Commissioners, the more restrictive ordinance or regulation shall govern.