



**TOWN OF DAVIDSON
HISTORIC PRESERVATION COMMISSION
7:00PM Administration Conference Room in Town Hall at 216 S Main St, Davidson, NC**

March 27, 2019

-
- I. CALL TO ORDER**
 - II. SILENT ROLL CALL**
 - III. CHANGES TO THE AGENDA**
 - IV. REVIEW/APPROVAL OF THE MINUTES**
 - (a) Minutes 2019 February 5
 - (b) Minutes 2019 February 20
 - V. NEW BUSINESS**
 - (a) Davidson Library Handrail COA
 - VI. OTHER ITEMS**
 - (a) What's Next Historic Preservation Memo
 - (b) Certified Local Government Model Ordinance Discussion
 - VII. ADJOURN**



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Minutes 2019 February 5	3/19/2019	Cover Memo

Meeting Minutes

Historic Preservation Commission

Town of Davidson, NC
February 5, 2019

A special meeting of the Town of Davidson *Historic Preservation Commission* was held in the Town Hall, Board Room, 216 S. Main St.

Call to Order: 6:59 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

☐ Jeff Osman

Town Staff Present: Lindsay Laird (Planner), Dawn Blobaum (Assistant Town Manager)

Changes to the Agenda: John Burgess requested a change to the agenda to discuss general items related to the local historic district expansion and historic landmarks designations. This item shall be included under other items.

Review/Approval of the Minutes: None.

Consent Item: None.

Old Business:

1. Local Historic District Expansion

Dawn Blobaum gave an overview to the board on the possible expansion of the Local Historic District. Consultant Mary Ruffin Hanbury of Hanbury Preservation Consulting proposed two options moving forward. Option one would include survey documentation of the entire National Register district and properties adjacent to the current boundary which could now be considered contributing. Option two would be a phased approach with survey documentation of North Main Street included in phase one and the remainder of the National Register district included in phase two. Residents of North Main Street have voiced support for moving forward on Local Historic District expansion in this area of town ahead of the rest of the National Register district.

A motion was made (JB) to recommend the phased approach described as option two. The motion was seconded (EB) and approved unanimously.

New Business: None.

Other Items:**1. Historic Landmark Designation Update**

Dawn Blobaum gave an update to the HPC on landmarks. The Board of Commissioners approved \$15,000 for preservation related projects at their last regular meeting. They also approved moving forward with designation reports for 310 Concord Road, 601 North Main Street, and 21525 Shearer Road.

A motion was made (JB) to let staff handle the RFP for landmark designation report(s). Landmark designation reports shall come back before the HPC for recommendation before going before the Board of Commissioners for a decision. The motion was seconded (BBumann) and approved unanimously.

2. Historic Landmark Designation/Local Historic District Expansion – General Discussion

John Burgess asked that the HPC be involved in historic preservation related projects at the onset. There was general agreement among board members on this point.

Adjourn: A motion was made to adjourn (TG), seconded (EB), and approved unanimously. The meeting was adjourned at 7:30 p.m.

Approval of Minutes:

Date: _____ By: _____

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



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
☐ Minutes 2019 February 20	3/19/2019	Exhibit

Meeting Minutes

Historic Preservation Commission

Town of Davidson, NC
February 20, 2019

A regular meeting of the Town of Davidson *Historic Preservation Commission* was held in the Town Hall, Board Room, 216 S. Main St.

Call to Order: 7:21 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

☒ Jeff Osman

Town Staff Present: Lindsay Laird (Planner), Dawn Blobaum (Assistant Town Manager)

Changes to the Agenda: Lindsay Laird requested a change to the agenda for Dawn Blobaum to give the commission an update on historic landmark designations. This item shall be included under Other Items before the Certified Local Government model ordinance discussion.

Review/Approval of the Minutes: None.

Consent Item: None.

Old Business: None.

New Business: None.

Other Items:

1. Historic Landmark Designation Update

Dawn Blobaum gave an update to the HPC on landmarks. The Board of Commissioners approved \$15,000 for preservation related projects. They also approved moving forward with designation reports for 310 Concord Road, 601 North Main Street, and 21525 Shearer Road. Staff sent out an RFP for the designation report for 601 North Main Street to five historic preservation consultants and received two responses. HPC members were supportive of staff selecting a consultant to complete the designation report

2. Certified Local Government Model Ordinance Discussion

The HPC discussed general comments and concerns regarding the Certified Local Government draft model ordinance. The board requested an unmodified copy of the model ordinance to review. After discussion, the board requested that this item be continued at the

March HPC meeting for further review and comment.

Adjourn: A motion was made to adjourn (JB), seconded (JO), and approved unanimously. The meeting was adjourned at 8:56 p.m.

Approval of Minutes:

Date: _____ By: _____

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



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
□ Davidson Library Handrail COA	3/19/2019	Exhibit

Town of Davidson, NC
Historic Preservation Commission: Staff Analysis
March 27, 2019

Project: Davidson Public Library Handrail Project
Location: 119 South Main Street (Parcel ID 00701313)
Applicant: Mike Kessler on behalf of the Library Endowment Committee
Planning Area: College Campus, Local Historic District

A project is proposed at 119 South Main St (The Davidson Public Library) to add iron railings to the stairs on each side of the front porch (i.e. stage area) on the front of the library facing the Village Green. The iron railings will be black to match railings in the vicinity at the side entrance to the library facing Main Street and at the entrance to the Davidson College Presbyterian Church. Because this proposal includes building alterations/site changes for a property located in the Local Historic District, HPC approval is required.

HISTORIC DISTRICT DESIGN GUIDELINES (DPO Section 22):

Materials: Architectural Metals pg. 28-29

*Traditional architectural metals include copper, brass, bronze, **cast and wrought iron**, tin, terne plate, steel, stainless steel, aluminum, and chrome. Each metal has distinct qualities and visual characteristics tied to the manufacturing process, such as extruding or casting, and its inherent nature. Standing seam metal roofs, copper and aluminum flashing, gutters and downspouts, cast iron grilles and fences, **wrought iron railings**, brass hardware, and pressed metal cornices all contribute to the historic character of the Davidson Historic District.*

Guidelines: Architectural Metals

6. *If an architectural metal detail or feature is missing, replace it with a new detail or feature that is based either upon accurate documentation of the original or upon a new design compatible in material, scale, and detail with the historic character of the building and district.*

DAVIDSON PLANNING ORDINANCE:

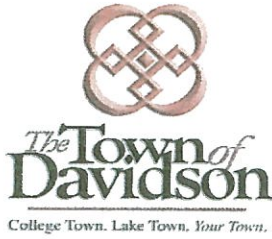
SITE AND BUILDING DESIGN STANDARDS

Section 4.2.1 – Historic District Regulations

All changes or improvements made to structures within the Local Historic District must comply with the Historic District Regulations as described in Section 22.

Section 4.4.1.E.4a-b – General Building Design Standards - Materials

Building materials and colors shall be complimentary to materials already being used in the general area. If dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.



Certificate of Appropriateness

Impr. Link to Town of Davidson Library
(Name of Project)

Contact Information

Applicant's Information

Name:

Mike Kessler on behalf of Library Endowment Committee

E-Mail:

Mike Kessler @ TSG RESIDENTIAL . Com

Mailing Address:

PO Box 62

DAVIDSON NC 28036

Business Phone:

Mobile Phone:

704-309-9143

Property Owner's Information

(If Different from Applicant)

Name:

DAVIDSON COLLEGE / Town of Davidson

E-Mail:

Mailing Address:

Business Phone:

Mobile Phone:

Architect's Information

Name of Firm:

N/A

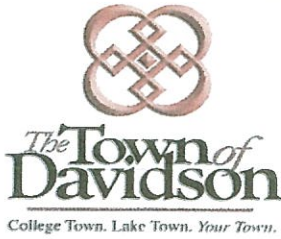
Architect's Name:

E-Mail:

Mailing Address:

Business Phone:

Mobile Phone:



Certificate of Appropriateness

Iron Railings @ Town of Davidson Library
(Name of Project)

Project Description

Application Date: 2/28/19
Project Location: Village Green - Concord Road & Main St.
(Indicate street frontage, nearest intersection, and address, if assigned)
Tax Parcel(s): 00701313
Planning Area: Village Center
Master or Conditional Plan: N/A
(Include any conditions of approval)

General Statement of Intent: ADD Railings TO STAIRS ON EACH SIDE OF THE FRONT PORCH / STAGE AREA IN FRONT OF LIBRARY.

Project Details:

Project Type: ☐ new structure ☒ addition ☐ exterior alteration
☐ sign ☐ vendor cart ☐ demolition

Building Type: Hand Rails

Building Materials: Iron

Colors: Black

Architectural Features: N/A

Existing Site Conditions:

(include significant physical, environmental, and cultural features; significant and heritage trees, existing structures; and infrastructure and street layout)

N/A



Certificate of Appropriateness

Town Railings @ Town of Davidson Library
(Name of Project)

Application Requirements

Date Received



Application Fee per Town of Davidson Fee Schedule



Contact Information



Project Description
(including General Statement of Intent)



Statement of Compliance with Section 9 and Section 22



Master Plan or Conditional Planning Area
(including all documents, plans, maps, and conditions of approval)



Environmental Inventory in accordance with Section 8.2
(including adjacent properties and buildings)



Color Photos
(including existing and adjacent sites and building(s) taken from the perspective of the public streets adjacent to the site)



Site Schematic Design in accordance with Section 8.8



Building Schematic Design in accordance with Section 8.4



Landscape Schematic Design in accordance with Section 8.6



Building Perspective in accordance with Section 8.4 D



Building Materials/Colors



4-Sided Building Elevations and Color Front Elevations

As the applicant, I hereby confirm that all the required materials for this application are authentic and have been submitted to the Town of Davidson Planning Department.

[Signature]
Applicant's Signature

2/28/19
Date











Railing Example

- OCP Church
Front Entrance



Certificate of Appropriateness

The Historic Preservation Commission hereby certifies that the application for:

Name of Applicant: **The Library Endowment Committee represented by Mike Kessler**

Name of Project: **Davidson Public Library Handrail Project**

Address: **119 South Main Street**

is approved for:

- ☐ New Structure ☐ Addition or Expansion ☒ Exterior Alteration or Reconstruction ☐ Relocation
- ☐ Demolition ☐ Sign(s) ☐ Vendor Cart ☐ Exterior Lighting ☒ Exterior Materials and Color(s)
- ☒ Other: Iron Stail Railings

This certificate is not a permit. This certificate does not relieve any party of the responsibility of filing for and obtaining all required permits or of following all other applicable codes, ordinances, and regulations. This certificate does not negate any protective covenants or deed restrictions on the property. Any change in the applicant's plans requires the filing of a revised application with the Town of Davidson, NC.

Chair, Historic Preservation Commission

Date March 27, 2019



Agenda Title:

Summary:

ATTACHMENTS:

	Description	Upload Date	Type
▢	Historic Preservation Memo from Clarion Associates	3/19/2019	Exhibit

MEMORANDUM

TO: Trey Akers, Senior Planner, Town of Davidson
FROM: Leigh Anne King, Director
DATE: March 6, 2019
RE: Considerations for Development of a Historic Preservation Plan

This memorandum outlines considerations for developing a historic preservation plan for the Town of Davidson and includes examples of historic preservation plans.

Background

In 2018, the Town of Davidson's Board of Commissioners adopted a Strategic Plan that set out nine strategic goals with tactical priorities and action steps to implement each goal. The Historic Preservation Goal states that "*The Town of Davidson will preserve our historically significant structures to retain our authenticity as a historic, small college town.*"

The strategic plan includes three main strategies for reaching this goal: (1) create/expand the local historic district, (2) investigate historic preservation tools, and (3) create a new historic preservation plan. This memorandum addresses strategy #3 and provides guidance for development of a new historic preservation plan for Davidson.

Considerations for Developing a Historic Preservation Plan

There are several key considerations for developing a historic preservation plan. These are organized here as concepts to consider prior to initiating a planning process to develop a historic preservation plan, and concepts to consider as part of the planning process.

Part 1: What to Consider Prior to Initiating the Planning Process

Prior to initiating development of a historic preservation planning process, the Town should consider three main choices: (1) the structure of the preservation plan, (2) the content to include in the plan, and (3) the community stakeholders to engage in the planning process.

1. **Structure of Preservation Plan.** Many historic preservation plans are designed as stand-alone documents that are focused entirely on historic preservation goals. These plans are typically either project focused (focus on action items) or operationally focused (focus on process for implementation). Stand-alone historic preservation plans, while often highly thorough in setting out a framework for achieving historic preservation objectives, may also set out policy direction that is not well-integrated with other community planning goals. Incorporation of a historic preservation plan into a comprehensive plan offers an opportunity to integrate historic preservation objectives with other, related community planning goals as part of an overarching policy framework for the Town. Another benefit of this approach is that comprehensive plans are usually

updated more frequently, allowing for consideration of changing historic preservation goals as more properties become eligible for historic designations. The Town could consider developing the historic preservation plan so that once it is prepared it could be easily incorporated into the Town's comprehensive plan that is currently being updated.

2. **Content for Historic Preservation Plan.** Before developing the plan, it is important to consider the content it should include. Contents for a stand-alone plan are typically more thorough, whereas content for a historic preservation chapter in a comprehensive plan will need to align with the policy framework approach of the overall plan. Content to consider for inclusion in a historic preservation plan includes:
 - a. Description of benefits of historic preservation
 - b. History of and legal basis for historic preservation efforts
 - c. Inventory of historic properties and assets
 - d. Explanation and diagnosis of existing preservation approach
 - e. Trends affecting historic preservation properties
 - f. Historic preservation goals and policies
 - g. Historic preservation implementation toolbox
 - h. Strategies for improving education and outreach for historic preservation
 - i. Linkages between historic preservation goals/policies and other community goals/policies, including reconciling any conflicts
 - j. List of preservation resources and partner organizations
3. **Stakeholders to Engage.** The planning process should be designed to engage members of the community that have a stake in the preservation of Davidson's historic structures and properties. This includes property owners of historic properties, local historians, real estate and development professionals, and members of the Historic Preservation Commission. There should also be opportunities during the process for all residents of the community to share their thoughts on the future of historic preservation in Davidson.

Part 2: Considerations During the Planning Process

During the development of the historic preservation plan, there are three main questions to consider and answer.

1. **How does our existing historic preservation system work and is it working well?**

Davidson should consider including an audit of the current historic preservation system and process that focuses on what is working well and what is not. This could include an evaluation of the outcomes of historic preservation projects that have resulted in changes to the property or a certificate of appropriateness (COA) to demolish a structure, and a diagnosis of what regulations or aspects of the process for approval could be improved. This evaluation might also consider whether it is working well to have the Design Review Board serve as the Historic Preservation Commission, or whether a separate dedicated advisory board is more appropriate. It could also consider the current roles of the Town of Davidson and Mecklenburg County in managing and regulating historic preservation efforts and any changes that may improve the historic preservation process.

2. **What are the community's historic preservation goals?** Community's undertake historic preservation efforts for a variety of reasons. Most communities value the physical expressions of history that these properties provide. Some communities are focused on the economic benefits of historic preservation as it relates to tourism and other local economic development efforts. Other communities support historic preservation efforts as a way to protect the natural environment and build more sustainably. Many communities are seeking to preserve community character and maintain strong neighborhoods. Clearly articulating the goals for historic preservation will create a better framework for identifying appropriate tools and implementation strategies.
3. **What are we lacking?** The historic preservation plan can identify information and tools that are currently lacking and that can be foci for plan implementation. A survey of historic resources within the Town of Davidson's planning area was updated by the Charlotte-Mecklenburg Landmarks Commission in early 2018. In the future, there will be need to update this inventory as every year there is the potential that more properties are becoming eligible for historic landmark status. Additional staff capacity to adequately advance historic preservation efforts and any new goals may be needed. New tools could be considered that better address the Town's historic preservation goals. The planning process offers an opportunity to fully explore what information, tools, or capacities are missing or need enhancement to help advance historic preservation efforts in Davidson.

Examples of Historic Preservation Plans

To assist in the planning for and development of a historic preservation plan, we provide here several plans for review. This first in the list is a North Carolina community - Cary, NC. The Cary Historic Preservation Master Plan was ultimately incorporated into the Town's new Cary Community Plan and could serve as a model for how to incorporate a stand-alone plan into a comprehensive plan. The other plans provide an example of different approaches for developing a historic preservation plan. Clarion Associates helped Salt Lake City, Utah, develop the Community Preservation Plan linked below.

- **Cary, North Carolina, Historic Preservation Master Plan** provides an overview of Cary's historic preservation goals and objectives while also detailing an action plan and implementation schedule. The first link below is to the full Historic Preservation Master Plan. The second link is to the Cary Community Plan that incorporates the Historic Preservation Master Plan into Chapter 5: Engage.

<https://www.townofcary.org/projects-initiatives/project-updates/general-government-projects/historic-preservation/historic-preservation-master-plan>

<https://www.townofcary.org/home/showdocument?id=14043>

- **Charleston, South Carolina, Historic Preservation Plan** details stewardship principles, Charleston's growth projectory, conservation districts, potential preservation opportunities, and descriptions of all neighborhoods.

<https://www.charleston-sc.gov/index.aspx?NID=891>

- **Montclair, New Jersey, Historic Preservation Master Plan** provides reviews of public policies, the town's historic resources, successes and issues related to historic

preservation, as well as historic preservation goals and objectives coupled with an action plan.

https://www.montclairnjusa.org/UserFiles/Servers/Server_5276204/File/Government/Departments/Planning%20&%20Community%20Development/Master%20Plan/2016%20Historic%20Preservation%20Plan%20Element.pdf

- **Salt Lake City, Utah, Community Preservation Plan** (prepared by Clarion) details the town's policies and an implementation action plan. It also provides a Comprehensive Preservation Toolbox.

<http://www.slcdocs.com/Planning/MasterPlansMaps/presplan.pdf>

- **Sandwich, Massachusetts, Historic Preservation Plan** describes the different historic districts, individual properties, and historic resources as well as providing an action plan.

<https://www.sandwichmass.org/DocumentCenter/View/527/Historic-Preservation-Plan-PDF>

Conclusion

The Town of Davidson has several considerations for preparing for and conducting a planning process to develop a historic preservation plan. While the considerations for the process listed in this memo are not exhaustive, they do provide guidance on the most critical aspects that will need to be considered for developing the plan. The examples of historic preservation plans also provide ideas for consideration in terms of the plan content that is included and the issues that are addressed. Developing a “plan for the plan” that identifies the Town’s approach to plan making will most likely result in a more successful historic preservation planning effort.



Agenda Title:

Summary:

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Unmodified Model CLG Ordinance	3/19/2019	Exhibit
<input type="checkbox"/> TOD Draft CLG Ordinance	3/19/2019	Exhibit

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) members¹ 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) years², 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.

¹ 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.

² 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.¹

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 to²

¹ 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.

² 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 violations¹, 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

¹ 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 consent¹ 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 purview², 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

¹ “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.

² 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.¹

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.

¹ 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.