



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

**January 16, 2019**

- 
- I. CALL TO ORDER**
  - II. SILENT ROLL CALL**
  - III. CHANGES TO THE AGENDA**
  - IV. REVIEW/APPROVAL OF THE MINUTES**
    - (a) Minutes 2018 November 28
  - V. NEW BUSINESS**
    - (a) 712 North Main Street Garage
  - VI. OTHER ITEMS**
    - (a) Certified Local Government Draft Ordinance and Training
  - VII. ADJOURN**



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**Agenda Title:** Minutes 2018 November 28

**Summary:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ Minutes 2018 November 28	1/9/2019	Exhibit

# Meeting Minutes

## Design Review Board

Town of Davidson, NC  
November 28, 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:** 7:00 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 (Planner)

**Changes to the Agenda:** None.

### Review/Approval of the Minutes

A motion was made (TG) to approve meeting minutes of October 17, 2018 as written. It was seconded (JB) and the motion was approved unanimously.

**Consent Item:** None.

### Old Business:

- 1. Davidson Farmers Market Shed** – Reviewed as the HPC for COA  
Located on Town-owned land between Summit Coffee and the Knox Building Village Center (Local Historic District)  
Proposed shed/dumpster enclosure renovation located in the Local Historic District.  
Represented by Abby Wyatt

Jason Burdette gave an overview of the proposed improvements to the Farmers Market Shed, noting that at the September 2018 meeting, the HPC requested additional information from the applicant on the following:

- Interior wall of the structure;
- Any outside lighting;
- Elevations, including materials;
- Existing conditions on the site; and
- Consideration of a gutter system.

The applicant explained why a gutter system was not included as part of the submittal. A gutter system could become a maintenance issue with a large tree nearby. The applicant

explained the color and materials on each elevation of the shed. The existing brick will remain, roof will be gray, pilasters will be painted wood, and brackets will be stained cedar. The new wall interior to the structure will be covered with five-quarter inch hardi board siding. Signage was not included as part of this submittal.

After discussion, a motion was made (MK) to approve the Farmers Market Shed with the condition that staff may approve all paint surfaces and roof. The motion was seconded (EB) and approved unanimously.

### **New Business:**

- 1. 108 South Main Street Skylight** – Reviewed as the HPC for COA  
Located at 108 S. Main St.  
Village Center Planning Area (Local Historic District)  
Proposed skylight on a structure located in the Local Historic District

Lindsay Laird gave an overview of the project. The applicant confirmed that the skylight will not be visible from the street.

After a brief discussion, a motion was made (MK) to approve the project as submitted and was seconded (EB). The motion was approved unanimously.

- 2. 106 South Main Street Signage and Paint** – Reviewed as the HPC for COA  
Located at 106 S. Main Street  
Village Center (Local Historic District)  
Proposed projecting sign and paint color change located in the Local Historic District  
Represented by Sandy Bowers

Jason Burdette gave an overview of the project, stating that the projecting sign and paint color change will be located on the front façade of the building, facing Main Street.

The applicant explained that the sign border will be brushed brass. The depth of the projecting sign will be consistent with other projecting signs on Main Street. The door and window trim will be painted a light pink color.

After discussion, a motion was made (TG) to approve the paint and projecting sign as submitted with the condition that mounting brackets are screwed into mortar joints and not the existing brick. Any façade repairs necessary as a result of removing the existing wall sign must also be completed. The motion was seconded (MK) and approved unanimously.

- 3. 715 Davidson Run Lane Pool House**  
Located at 715 Davidson Run Ln  
Rural Planning Area  
Proposed accessory structure greater than 650 sq. ft. footprint

Lindsay Laird gave an overview of the project, noting that the proposed pool house required approval by the DRB because the footprint is greater than 650 square feet. At 1,004 sq. ft., the footprint of the structure is compliant with the DPO for Rural properties. The pool house will be constructed of materials to match the existing home on site.

After a brief discussion, a motion was made (MK) to approve the project as submitted with the condition that staff approve lighting and gutters. The motion was seconded (JB) and approved unanimously.

**4. 543 Pine Road Garage**

Located at 543 Pine Rd

Village Infill Planning Area

Proposed accessory structure greater than 650 sq. ft. footprint

Represented by Matt Johnson

Jason Burdette gave an overview of the project, noting that materials will match the home which is also undergoing significant renovation. The proposed garage is in excess of 650 square feet, requiring DRB review. The proposed garage will have a footprint of 862 sq. ft., less than 30 percent of the footprint of the principal building as required by the DPO.

The applicant explained that the renovated home and proposed garage will have light colored fiber-cement board and batten siding. The metal canopy located on the street-facing portion of the garage will have a baked enamel finish to match the dark gray shingled roof. The existing shed on site will be removed.

After discussion, a motion was made (JB) to approve the project as submitted. The motion was seconded (EB) and passed unanimously.

**5. 21800 Shearer Road Garage**

Located at 21800 Shearer Rd

Rural Planning Area (Scenic Byway Overlay)

Proposed accessory structure greater than 650 sq. ft. footprint

Represented by Michael McMillan Sr.

Lindsay Laird gave an overview of the project. The applicant would like to relocate and repurpose the existing single-family home on site to a detached garage. With a footprint greater than 650 square feet, DRB review is required. At 1,008 sq. ft., the proposed garage footprint is compliant with the DPO for Rural properties. The garage will be renovated with materials to match a newly constructed home.

The applicant explained that colors and finishes of the proposed garage will match the home to be constructed on site, with a metal roof and painted hardboard lap siding.

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

**Other Items:**

**1. Design Review Board Decision Requirements**

The Board discussed required materials for DRB/HPC meetings. Under DPO Section 14.10.4, applicants shall provide building materials/colors for roofing, siding, doors, windows, etc. The Board emphasized that applicants should bring color/material samples to the DRB/HPC to review at the meeting at which a project is discussed. Consequences of

not doing so may include deferral or rejection of the project. The Board also noted that the landscape schematic design requirement listed under DPO Section 14.10.4 should be removed in future revisions of Section 14.

**2. Certified Local Government Draft Ordinance**

Jason Burdette discussed the Certified Local Government (CLG) model ordinance. Revisions must be adopted in accordance with the model CLG ordinance. A draft ordinance was provided to the board at the October DRB/HPC meeting.

Staff requested that the board review the draft CLG ordinance ahead of the January DRB/HPC meeting and CLG training.

**3. Certified Local Government Training January 25, 2019**

The Western Piedmont Regional CLG training is scheduled for Friday, January 25, 2019. This training, led by the State Historic Preservation Office, is complimentary and open to the public. DRB/HPC members are encouraged to attend this training. Members should review the CLG draft ordinance ahead of this training.

**Adjourn:** A motion was made to adjourn (TG), seconded (MK), and approved unanimously. The meeting was adjourned at 8:13 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:** 712 North Main Street Garage

**Summary:**

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**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
□	1. 712 N. Main St - Staff Analysis	1/9/2019	Exhibit
□	1. 712 N. Main St - Application Materials	1/9/2019	Exhibit

**Town of Davidson, NC**  
**Design Review Board: Staff Analysis**  
**January 16, 2019**

**Project:** Accessory Structure (over 650 square feet)  
**Location:** 712 N. Main Street  
**Applicant:** Stephanie and William Amadio  
**Designer:** Jennifer Benson Architecture PLLC.  
**Planning Area:** Village Infill (Blue Overlay District)

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The applicant would like to construct a detached garage with living space above in the rear yard at 712 North Main Street. There is an existing single-family home and shed on the property.

The footprint of the proposed detached garage is in excess of 650 square feet (approx. 750 square feet). Per DPO Section 4.5.8.B.2., any accessory structure over 650 square feet of first floor area shall be reviewed by the Design Review Board. At 750 sq. ft., the proposed garage complies with DPO Section 4.5.8.B.1. The footprint of the garage is less than 30% of the footprint of the primary structure (2,938 sq. ft.; 30% of this is equal to 881.4 sq. ft.).

The proposed garage will be located on the rear right side of the property where an existing shed is located currently. The garage will be constructed with materials to complement the existing home, including white hardboard siding, double dormer design, and matching asphalt roof shingles. Windows and gutters will also match the existing home. The height of the proposed structure will be just over 22 feet. The single garage door will be wood and glass material.

**DAVIDSON PLANNING ORDINANCE:**

**Section 4.5.8 Accessory Structures**

*B. Size of Accessory Structure*

- 1. In the Rural Reserve and Rural Planning Areas, on lots over two acres where the proposed accessory structure is located more than 150 feet from the right-of-way or is not otherwise visible from the right-of-way, the footprint of an accessory structure shall not exceed 1,200 square feet. In all planning areas, except the Rural Reserve and Rural Planning Areas, the footprint of an accessory structure must not exceed 650 square feet or 30% of the footprint of the principal building (up to a maximum of 900 square feet), whichever is greater.*
- 2. Any accessory structure over 650 square feet of first floor area and all accessory structure ancillary to non-residential building types shall be reviewed by the Design Review Board, in accordance with the procedures in Section 14.*

**Section 4.4.1 General Building Design Standards**

*E. Materials*

1. *Materials shall be selected for suitability to the type of building and design for which they are used.*
4. *Building materials and colors shall be:*
  - a. *Complementary to the materials already being used in the neighborhood.*

*F. Architectural Details*

1. *Windows and door openings shall be arranged and proportioned so that vertical dimensions dominate horizontal dimensions. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.*
  4. *Fenestration shall be architecturally related to the style, materials, colors, and details of the building.*
- 

T:\Planning\_Shared\_(Common)\04.BOARDS COMMISSIONS\Design Review\Agenda Packets\2019 DRB Agendas\20190116\_DRB-Agenda\1. 712 N. Main St - Garage

Stephanie Amadio  
William Amadio  
712 N Main Street  
Davidson, NC 28036  
December 17, 2018

Town of Davidson  
Attn: Planning/DRB

Dear Town of Davidson:

We currently reside at 712 N Main Street in Davidson. Per attached documents, we would like to build a detached garage with a second story. Our intent is to use the ground floor for automobile storage as well as lawn equipment/bikes/etc. The second story would be heated living space to serve as a guest suite.

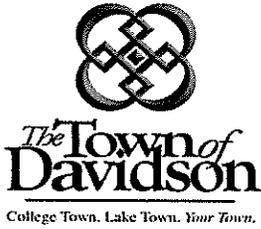
Per the attached sketches, the garage will be located on the rear side of our property where an existing shed is located. Pictures are included of this location as well as the street level view. The garage design will complement the rear style of the primary residence including the white hardiboard siding, roof shingles, double dormer design, window style, guttering, lighting, etc.

The footprint on the garage will be ~750 sq ft with the primary residence footprint has 2938 sq ft. There are no existing trees or shrubs that will be removed for this project. Landscaping that compliments primary residence will be added upon completion. This accessory structure meets the town's size, style, environmental and placement requirements.

We seek the approval from the Design Review Board's meeting in January 2019. Please let us know if there are any questions as we can be reached at (704) 909-9456.

Sincerely,

Stephanie Amadio  
William Amadio



# Design Review

Amadio Garage  
 (Name of Project)

## Application Requirements

**Date Received**

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- Application Fee per Town of Davidson Fee Schedule
- Contact Information
- General Statement of Intent  
*(Use, building type, approx. square footage, height, design features)*
- Statement of Compliance with Section 2
- Master Plan or Conditional Planning Area  
*(Including all documents, plans, maps, and conditions of approval)*
- Environmental Inventory in accordance with Section 14.15.1  
*(Including adjacent properties and buildings)*
- General Description  
*(Including a description and color photographs to existing / adjacent site)*
- Site Schematic Design in accordance with Section 14.15.7
- Building Schematic Design in accordance with Section 14.15.3  
*(Including rendered elevations of each façade per 14.15.3 C)*
- Landscape Schematic Design in accordance with Section 14.15.5
- Building Perspective
- Building Materials/Colors  
*(Roofing, siding, doors, windows, etc.)*

*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.*

Applicant's Signature

12/17/18  
 Date



# Design Review

Amadio Garage  
 (Name of Project)

## Development Process

Date Completed	Outline of Steps & Checklist
_____	<input type="checkbox"/> 1. Initial Meeting
_____	<input type="checkbox"/> 2. Application and Fee
_____	<input type="checkbox"/> 3. Design Review Board Preliminary Review (Informational)
_____	<input type="checkbox"/> 4. Planning Director Site Schematic Design Review
_____	<input type="checkbox"/> 5. Design Review Board Approval
_____	<input type="checkbox"/> 6. Building Construction Documents
_____	<input type="checkbox"/> 7. Site and Landscape Construction Documents
_____	<input type="checkbox"/> 8. Architect's Letter of Verification (Construction Documents)
_____	<input type="checkbox"/> 9. Building Permit Approval
_____	<input type="checkbox"/> 10. CD Submittal with PDF of All Approved Documents <i>Required within 45 Days of Approval</i>
_____	<input type="checkbox"/> 11. Architect's Letter of Verification (Construction/As-Built)
_____	<input type="checkbox"/> 12. Certificate of Occupancy

*\* For further information see Davidson Planning Ordinance Sections 14.11 Individual Building - 14.12 Design Review. Note that the Town of Davidson encourages all paper submittals to be on 30% or greater recycled paper.*



## Design Review

Amadio Garage  
(Name of Project)

### Contact Information

#### Applicant's Information

Name: Stephanie & Bill Amadio  
E-Mail: sbamadio@gmail.com  
Mailing Address: 712 N Main St  
Davidson, NC  
Business Phone: 704-909-9456 Mobile Phone: 704-909-9456

#### Property Owner's Information

*(If Different from Applicant)*

Name: same  
E-Mail: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

#### Architect's Information

Name of Firm: Jennifer Benson Architecture PLLC  
Architect's Name: Jennifer Benson / Ted Kennedy  
E-Mail: Kennedyandson07@aol.com  
Mailing Address: 8 Kennedy & Son - 8736 New Oak Lane  
Huntersville, NC  
Business Phone: 704-806-2160 Mobile Phone: 704-806-2160



# Design Review

Amado Garage  
(Name of Project)

## Project Description

Application Date:

12/17/18

Project Location:

712 N. Main St

Tax Parcel(s):

00316102

Planning Area:

Village Infill

Overlay District:

N/A

Master or Cond. Plan

(Attach Conditions of Approval)

Gen. Statement of Intent:

Detached 2 car garage with heated living space above, Architecture to compliment existing primary residence in style and materials.

### Project Details:

• Project Type:



Individual Bldg.



Master Plan



Conditional Planning Area



Sign

• Building Type:



Detached House



Townhouse



Attached House (Tri- or Quadplex)



Institutional



Live/Work



Multi-family (Apts., Condos, Flats)



Workplace



Storefront



Accessory Structure

• Use(s):

Store cars/bikes/lawn mower and guest suite

• Height & Stories:

22' 2 1/2" roof peak - 2 stories

• Square Footage:

1st flr - 750 sqft 2nd flr - 700 sqft Primary residence

• Building Materials:

1/4" plywood & asphalt shingles footprint is 2938 sq ft

### Architectural Features:

Existing Site Conditions:

Complimentary to residence with double dormer, hardboard and matching roof shingles.

Existing Site Conditions:

See 14.12.2.D

Residential lot with existing home and driveway. Currently a shed (non-permanent) sits in location of garage. in rear yard.

No trees ~~with~~ removal required.

Minimal grading



# Polaris 3G Map – Mecklenburg County, North Carolina

## 712 N Main St

Date Printed: 10/25/2018 6:14:41 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.



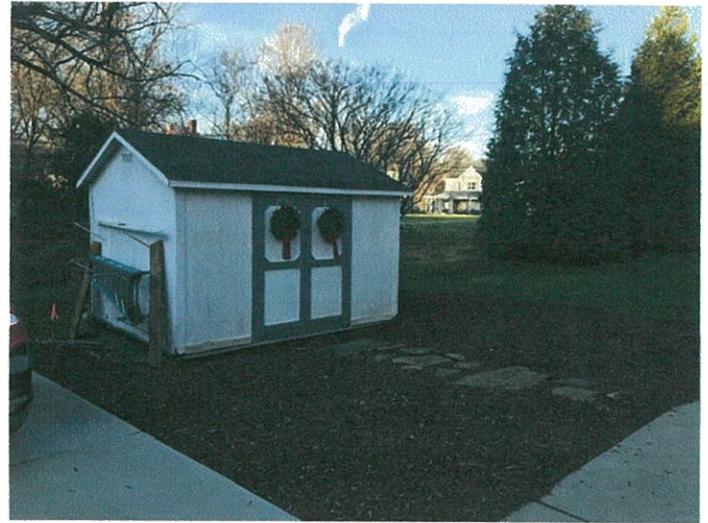


## Amadio Garage – 712 N Main Street Davidson, NC



View from N Main Street.

## Amadio Garage – 712 N Main Street Davidson, NC

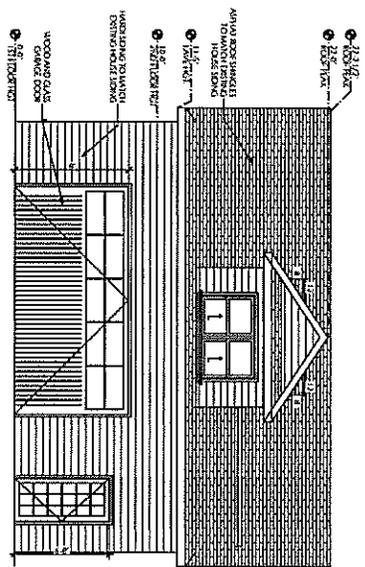


View in back yard – will replace shed/mulched area.

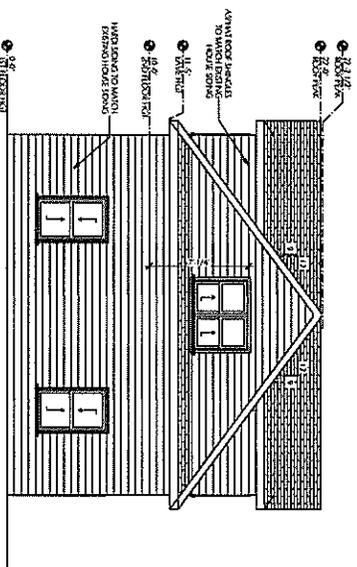


View facing back side of residence. Garage architectural design will compliment roof lines, double dormer, siding, roof shingles and gutters.

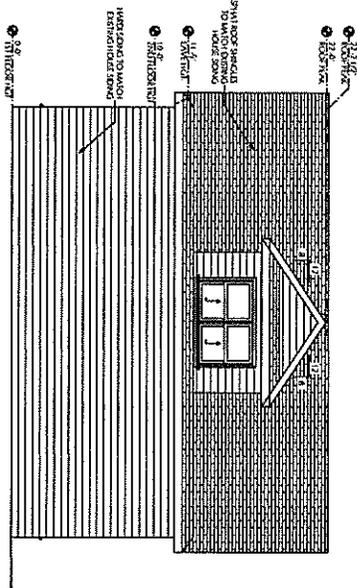




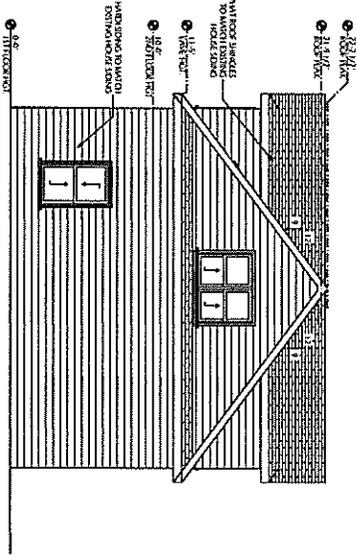
1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



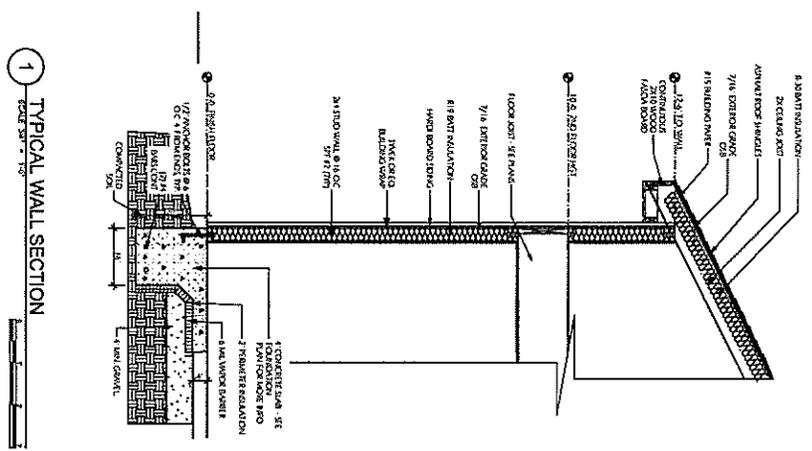
3 REAR ELEVATION  
SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

ISSUED FOR CONSTRUCTION

<p><b>AMADIO GARAGE</b> 712 N. MAIN ST. DAVIDSON, NC</p>			
<p>DATE: 12/18/2018 PROJECT: JMB SCALE: 1/8" = 1'-0"</p>		<p>DESIGNED BY: JENNIFER BENSON SHEET TITLE: ELEVATIONS SHEET NUMBER: A-201</p>	



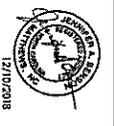
1 TYPICAL WALL SECTION  
 EOOD 24 - 19

<p>02 FOUNDATION DETAIL</p>	<p>03 DOOR HEAD DETAIL</p>	<p>04 THRESHOLD DETAIL</p>
<p>05 ROOF DETAIL</p>	<p>06 WINDOW SILL DETAIL</p>	<p>07 WINDOW HEAD DETAIL</p>
<p>08 CORNER JOISTING DETAIL</p>	<p>09 ROOF EAVE DETAIL</p>	<p>10 FLOORING DETAILS</p>

ISSUED FOR CONSTRUCTION

DATE	DESIGNER
12/10/2018	JAS
SCALE	PROJECT NO
1/8"=1'-0"	18-500
DRAWN BY: JENNIFER HENSON	
CHECKED BY: JENNIFER HENSON	
SHEET NUMBER	
A-301	

AMADIO GARAGE  
 712 N. MAIN ST.  
 DAVIDSON, NC



JPA  
 JENNIFER HENSON  
 ARCHITECTURE PLLC  
 235 MAIN STREET, SUITE 200  
 DAVIDSON, NC 28026  
 704.844.1111  
 www.jenniferhenson.com





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**Agenda Title:** Certified Local Government Draft Ordinance and Training

**Summary:** The draft Certified Local Government ordinance is provided to the DRB/HPC for review. As a Certified Local Government (CLG), ordinance revisions must be adopted in accordance with the model CLG ordinance. We will discuss any comments/feedback ahead of the CLG training scheduled for January 25, 2019.

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ CLG Model Preservation Ordinance	1/9/2019	Exhibit

## 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.