



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

**May 15, 2019**

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- I. CALL TO ORDER**
  - II. SILENT ROLL CALL**
  - III. CHANGES TO THE AGENDA**
  - IV. REVIEW/APPROVAL OF THE MINUTES**
    - (a) Revised Minutes 2019 March 27
    - (b) Minutes 2019 April 17
  - V. NEW BUSINESS**
  - VI. OLD BUSINESS**
    - (a) Certified Local Government Model Ordinance Questions
  - VII. OTHER ITEMS**
    - (a) Quasi-Judicial Process Discussion
  - VIII. ADJOURN**



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**Agenda Title:**

**Summary:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
▣ Revised Minutes 2019 March 27	5/8/2019	Exhibit

# Meeting Minutes

## Historic Preservation Commission

Town of Davidson, NC  
March 27, 2019

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

**Call to Order:** 7:26 p.m.

### Silent Roll Call and Determination of Quorum:

Members Present signified by :

<input checked="" type="checkbox"/> Bruce Barteldt, Chair	<input checked="" type="checkbox"/> Brian Bumann	<input type="checkbox"/> Jeff Osman
<input checked="" type="checkbox"/> Tom Goodwin	<input checked="" type="checkbox"/> Bob Sipp	
<input checked="" type="checkbox"/> Mike Kessler	<input checked="" type="checkbox"/> EB Dyer	
<input checked="" type="checkbox"/> John Burgess	<input checked="" type="checkbox"/> Lorraine Degree	

Town Staff Present: Lindsay Laird (Planner)

**Changes to the Agenda:** John Burgess requested a change to the agenda to discuss the Cornelius roundabout project affecting South Main Street in Davidson (DOT Project #U-5873). This item was included under Other Items after the Certified Local Government model ordinance discussion.

### Review/Approval of the Minutes:

A motion was made (TG) to approve the meeting minutes of February 5, 2019 and February 20, 2019 as submitted. It was seconded (JB) and approved unanimously.

**Consent Item:** None.

**Old Business:** None.

### New Business:

#### 1. Davidson Library Handrail COA

Located at 119 South Main Street  
College Campus Planning Area

A motion was made (TG) for Mike Kessler to be recused from the meeting. The motion was seconded (LD) and approved unanimously.

Lindsay Laird gave an overview of the project, noting that the proposal includes iron railings along the stairs at the entrance to the Davidson Library on the front of the building facing the Village Green. Mike clarified that railings will be added to one side of each staircase and will match existing railings in the vicinity.

After discussion, a motion was made (BS) to approve the application as submitted. The motion was seconded (BBumann) and approved unanimously.

A motion was made (EB) for Mike Kessler to rejoin the meeting. The motion was seconded (TG) and approved unanimously.

### **Other Items:**

#### **1. What's Next Historic Preservation Memo**

Lindsay Laird gave a brief summary of the What's Next Historic Preservation Memo issued by the Town's comprehensive plan consultant Clarion. The purpose of the memo is to outline considerations for development of a historic preservation plan in the future. No further action was taken on this discussion item.

#### **2. Certified Local Government Model Ordinance Discussion**

The HPC continued discussion of the Certified Local Government draft model ordinance. The following next steps were also discussed:

- Review historic district signage identifying the local historic district and possibly the national register district.
- Discuss the model ordinance with the Board of Commissioners.
- Decide how landmarks should be handled in the future.
- Review the Davidson Planning Ordinance for possible revisions to Section 13 and Section 22 Historic District Guidelines.
- Discuss minor vs. major works list.
- Schedule meeting with Town Attorney.

No further action was taken on this discussion item.

#### **3. Discussion of Cornelius Roundabout (DOT Project #U-5873)**

This is a NCDOT transportation project (Project #U-5873). John Burgess, acting as a non-Commission member, gave a brief history of the NCDOT transportation project (#U-5873) in Cornelius which includes a roundabout and realignment of Hwy 115. John also discussed the project's impacts to properties in Davidson along South Main Street. The proposed project includes the realignment of Hwy 115 (i.e. South Main Street) in Davidson and includes a new 10' multi-use path along the south side of the roadway. HPC members voiced concern over the impacts of this project on Davidson's historic southern entrance to town.

Lindsay Laird shared a draft resolution under review by the Board of Commissioners related to the project. The draft resolution proposes changes for consideration for the U-5873 project including:

- Revisit the roundabout design to ensure the design size and geometry makes for the least impact (e.g. right of way width, tree loss, etc.) on the properties along highway 115 in Davidson north of the railroad trestle.
- Reduce the width of the sidewalk to 5 feet along the front of the properties at 497, 511, and 523 South Main Street and reduce the right of way impacts accordingly.
- Consider additional landscaping and other aesthetic improvements on and around the retaining wall facing the Green School property.

A question was raised about the purview of the HPC over projects located outside of the local historic district. Further research is needed on purview of the HPC. A question was also asked about the status of the local historic district expansion (i.e. windshield survey).

A motion was made (TG) for John to rejoin the meeting. The motion was seconded (EB) and approved unanimously.

No further action was taken on this discussion item.

**Adjourn:** A motion was made to adjourn (MK), seconded (BS), and approved unanimously. The meeting was adjourned at 9:03 p.m.

**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:**

**Summary:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ Minutes 2019 April 17	5/8/2019	Cover Memo

# Meeting Minutes

## Historic Preservation Commission

Town of Davidson, NC  
April 17, 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:** 7:47 p.m.

### Silent Roll Call and Determination of Quorum:

Members Present signified by :

Bruce Barteldt, Chair

Tom Goodwin, Vice

Chair

Mike Kessler

John Burgess

Brian Bumann

Bob Sipp

EB Dyer

Lorraine Degree

Jeff Osman

Town Staff Present: Lindsay Laird (Planner)

**Changes to the Agenda:** None.

### Review/Approval of the Minutes:

John Burgess requested a change to the meeting minutes of March 27, 2019 under the Cornelius roundabout (NCDOT project #U-5873) discussion item reflecting the HPC's concern with the project's impact on the historic southern entrance to town. The minutes will be revised and reviewed/approved at the next HPC meeting.

**Consent Item:** None.

**Old Business:** None.

### New Business:

#### 1. Davidson Wine Co. Signage and Lighting COA

Located at 121 Depot Street

Village Center Planning Area (Local Historic District)

A motion was made (MK) for Brian Bumann to be recused from the meeting. The motion was seconded (EB) and approved unanimously.

Lindsay Laird gave an overview of the project, noting that the project went before the HPC previously in June 2018. The original approval letter required lighting and signage on the front façade of the building to return to the HPC for approval.

The proposed wall signage will meet size requirements in Section 11 of the Davidson Planning ordinance. The sign material will be acrylic.

Lighting is also proposed above the wall signage on the front façade. There will be six lights total, three on each side of the front of the building. Lighting fixtures will be painted bronze to match the color of the wall sign lettering. No light sconces are proposed with this submittal. Mike Kessler requested that lighting be mounted in mortar joints.

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

A motion was made (MK) for Brian to rejoin the meeting. The motion was seconded (EB) and approved unanimously.

### **Other Items:**

#### **1. Certified Local Government Model Ordinance Discussion**

The HPC continued discussion of the Certified Local Government (CLG) draft model ordinance.

The following next steps were discussed:

- Finalize list of questions for discussion with Board of Commissioners.
- Discuss with the Board of Commissioners.
- Decide how landmarks should be handled in the future.
- Review historic district signage identifying the local historic district and possibly the national register district.
- Review the Davidson Planning Ordinance for possible revisions to Section 13 and Section 22 Historic District Guidelines.
- Discuss minor vs. major works list.
- Meeting with Town Attorney Cindy Reid scheduled for May HPC meeting.

Tom Goodwin discussed options moving forward: form a subcommittee to work on CLG action items or continue working on action items with the full HPC.

A motion was made (EB) to appoint Tom Goodwin, John Burgess, and Bruce Barteldt to a CLG model ordinance subcommittee. The subcommittee will finalize the list of CLG model ordinance questions for discussion with the Board of Commissioners (BOC). A draft list of questions will be brought back before the HPC for review before meetings with the BOC are scheduled. The motion was seconded (BBumann) and approved unanimously.

No further action was taken on this discussion item.

**Adjourn:** A motion was made to adjourn (MK), seconded (BS), and approved unanimously. The meeting was adjourned at 8:15 p.m.

### **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:**

**Summary:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ CLG Model Ordinance Discussion Memo	5/9/2019	Exhibit
☐ CLG Model Ordinance Draft	5/8/2019	Exhibit
☐ HPC Adopted Rules of Procedure	5/8/2019	Exhibit



## MEMORANDUM

**TO: Historic Preservation Commission**  
**FROM: CLG Model Ordinance Subcommittee**  
**DATE: May 15, 2019**  
**RE: Certified Local Government Model Ordinance**

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This memorandum outlines questions and discussion points related to the Certified Local Government Model Ordinance language currently under review by the Historic Preservation Commission (HPC). The HPC would like to meet with the Board of Commissioners to discuss the following items.

### PURPOSE

The Town of Davidson was recently designated as a Certified Local Government (CLG) by the State Historic Preservation Office (SHPO). The CLG program seeks to assist the development, maintenance and enrichment of local historic preservation programs in cooperation with the state and federal preservation programs. In North Carolina, governments which qualify for certification must have an active and legally adequate historic preservation commission, and must meet the federal requirements for certification.

The CLG Model Ordinance is a document drafted by SHPO to be used as a guide for local Historic Preservation Commissions. The purpose of working to adopt a version of the CLG Model Ordinance is to ensure that the town enforces appropriate state and federal legislation for the designation and protection of historic properties.

### CLG MODEL ORDINANCE DISCUSSION POINTS

The following discussion points reference specific sections of the CLG model ordinance and the adopted HPC Rules of Procedure.

- **Model Ordinance Section 3.3.1. Creation and Appointment:** Who should select the HPC chair? The BOC or the HPC? Under the currently adopted Rules of Procedure, the BOC appoints the chair for a 1 year term and may re-appoint for subsequent terms.
- **Model Ordinance Section 3.4. Powers and Duties, item b:** Does the BOC want the HPC to have a budget of their own? If so, how would that work?
- **Model Ordinance Section 3.4. Powers and Duties, item f:** Does the BOC want the HPC to review landmarks located outside of the Local Historic District? Currently, landmarks that

are not in the local district are only reviewed by the Charlotte-Mecklenburg Landmarks Commission.

- **Model Ordinance Section 3.4. Powers and Duties, items i-h Powers (Optional):** Does the BOC want to give the HPC all of these powers? Are there any that should be removed from the ordinance?
- **Model Ordinance Section 5.3. Procedure for Designation, item d:** Does the BOC have a preference for a joint public hearing as part of the landmark designation process? Per model ordinance section 5.3.d., the public hearing may be held either jointly with the HPC, or separately, to consider a proposed ordinance of designation (for a proposed landmark).
- **Adopted HPC Rules of Procedure:** Article II of the adopted rules of procedure outlining the authority and responsibility of the HPC will need to be revised to align with the powers and duties listed in the model ordinance.

In addition to the CLG model ordinance, current sections of the Davidson Planning Ordinance (DPO) will likely need modification to align with model ordinance language:

- **DPO Section 4 Design Standards:** Section 4 requires Design Review Board (DRB) approval for various building types but does not mention the HPC. Clarification is needed for when DRB approval is required versus when HPC approval is required.
- **DPO Section 11 Signs:** Clarification is needed for when DRB approval is required versus HPC approval.
- **DPO Section 13 Boards and Commissions:** Section 13.3 Design Review Board/ Historic Preservation Commission should be divided into separate sections for the DRB and HPC.
- **DPO Section 14 Administration Procedures:** Section 14 currently does not mention the HPC and its administration and procedures. This should be added for clarification.
- **DPO Section 15 Violations and Penalties:** Section 15.3.5 Demolition by Neglect of Historic Properties currently references both the DRB and HPC. This should be revised to only reference the HPC.
- **DPO Section 22 Davidson Historic Guidelines:** The historic district guidelines may need to be revised to align with the model ordinance language.

## ATTACHMENTS

1. Certified Local Government (CLG) Model ordinance
2. Historic Preservation Commission Adopted Rules of Procedure

## 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.

**TOWN OF DAVIDSON  
HISTORIC PRESERVATION COMMISSION  
RULES OF PROCEDURE**

**ARTICLE I  
Davidson Historic Preservation Commission**

- 1.1 The official name of this Commission shall be the Town of Davidson Historic Preservation Commission which shall herein be referred to as the Commission.

**ARTICLE II  
Authority and Responsibility**

- 2.1 Review and approve, approve with modifications, or deny applications for a Certificate of Appropriateness as required by the Davidson Planning Ordinance, as delineated on the Local Historic District Overlay Map, and as authorized by NCSG 160A-400.5 and perform all the duties and responsibilities stated in the Davidson Planning Ordinance.
- 2.2 Review and approve all signs in the Local Historic District Overlay.
- 2.3 Propose changes to historic properties, landmarks, districts and under the jurisdiction of the Davidson Planning Ordinance.
- 2.4 Undertake programs of research, information, education, or analysis relating to any matters under its purview.
- 2.5 Provide such recommendations or approvals as required by the Davidson Planning Ordinance or as requested by the Board of Commissioners.

**ARTICLE III  
Membership**

- 3.1 The Historic Preservation Commission shall consist of a total of no fewer than seven members and no more than fifteen members. The number of members shall be determined by the Board of Commissioners.
- 3.2 All members shall be appointed by the Board of Commissioners. The Board of Commissioners may remove a member prior to the end of the member's term of office in the exercise of its discretion.
- 3.3 Where possible, the Board of Commissioners shall appoint to a majority of the Commission those residents who have had special training or experience in historic preservation or a design field, such as architecture, landscape architecture, planning, or a closely related field.
- 3.4 The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Members may be re-appointed for subsequent terms. Vacancies occurring for reasons other than

expiration of terms shall be filled as they occur for the period of the unexpired term.

- 3.5 If any member of the Commission who attends fewer than 75% of the regular and special meetings held by the Commission during any one year period, the Chair may recommend that the Board of Commissioners remove such member from the Commission.

#### **ARTICLE IV Officers and Staff**

- 4.1 The Chair shall be appointed by the Board of Commissioners for a one (1) year term, and may be re-appointed for subsequent terms. The Chair shall preside at all meetings of the Commission, appoint all standing committees, and have all the duties normally conferred on such an office. The Chair is a voting member of the Commission.
- 4.2 A Vice-Chair shall be elected by a majority of the Commission for a one (1) year term, and may be re-elected for subsequent terms. The Vice-Chair shall serve in the absence of the Chair. If both the Chair and the Vice-Chair are absent, another member designated by a vote of the Commission's members present shall preside.
- 4.3 The Planning Manager or his/her designee(s) shall serve as staff to the Commission and shall keep the minutes and records of the Commission, prepare the agenda for regular and special meetings, provide notice of meetings, attend to correspondence of the Commission and provide technical assistance to the Commission in accordance with Article II.

#### **ARTICLE V Meetings**

- 5.1 Regular meetings of the Commission shall be held once a month at a regular date and time determined by the Commission from time to time.
- 5.2 Special meetings may be called only by the Chair or Vice Chair provided that at least forty eight (48) hours notice of time of such a meeting shall be given to each member by the staff.
- 5.3 A majority of the voting members of the Commission present in person or by two-way verbal communication shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one-third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted.

- 5.4 Unless otherwise stated herein, the Commission shall conduct its meeting in accordance with the provisions of Rules 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, and 19 of the Suggested Rules of Procedure for Small Local Government Board published by the UNC School of Government with specific reference to. The Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Commission in session at the time.

## **ARTICLE VI Order of Business**

- 6.1 The general order of business shall be as follows:
- (a) roll call and determination of quorum
  - (b) approval of minutes of previous meeting
  - (c) old business
  - (d) new business
  - (e) adjournment
- 6.2 The order of business for review and consideration of applications and other matters before the Commission shall be as follows:
- (a) Presentation and/or Recommendation by staff
  - (b) Presentation by Applicant (Not to exceed 15 minutes)
  - (c) Presentations by those speaking in favor of the application (not to exceed 15 minutes in total length)
  - (d) Presentations by those speaking in opposition of the application (not to exceed 15 minutes in total length)
  - (e) At the discretion of the Chair, and subject to the Chair's right to curtail further discussion, comments from members of the public.
- 6.3 The length of time allotted above may be extended by a majority vote of the Commission.
- 6.4 The agenda shall be set by the Chair; any changes to the agenda shall be made by the Chair.
- 6.5 Items of business at the regular meeting shall appear on the agenda. All submittals presented to the Planning Manager or his/her designee at least fourteen (14) days prior to the regular meeting shall be placed on the next regular meeting agenda.

## **ARTICLE VII Conflicts of Interest**

- 7.1 When a member believes that he or she has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. When a member believes another member has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter.

Conflicts of interest shall include, but are not limited to, (a) a close familial, business or other associational relationship with a person affected by the matter before the Commission, or (b) a financial interest in the outcome of the matter.

- 7.2 The member shall state the nature of the conflict to the Commission, and the Commission shall take action by a majority vote in determining whether or not to excuse the member from participation during consideration of and voting on that matter.
- 7.3 The excuse of a member due to a conflict of interest shall not constitute an absence in accordance with Section 3.5 and shall not affect the determination that a quorum is present.
- 7.4 An excused member may remain in the meeting room, but shall not participate in the discussion of, and shall not vote on, the matter. An excused member may participate as a non-Commission member in the presentation of matters for review by the Commission.

**ARTICLE VIII**  
**Action by Commission**

- 8.1 All actions of the Commission shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regular meeting date and time.
- 8.2 Affirmative votes from a majority of the members present and voting shall be required to adopt any motion.
- 8.3 Voting shall be done by a show of hands.
- 8.4 All decisions by the Commission shall be made under the guidance of the Davidson Planning Ordinance, Section 22, Historic District; provided that the Commission may make interpretations as necessary in performing its duties and responsibilities.
- 8.5 The Commission shall make finding of fact indicating the extent to which the application is or is not congruous with the standards in Section 8.4 above. Following the finding of fact, the Commission shall approve, approve with modifications, or disapprove. The finding of fact and decision shall be made a part of the minutes.
- 8.6 All decisions by the Commission shall be made no later than 180 days after the initial hearing, or the application is deemed approved.

Adopted by the Board of Commissioners October 12, 2010

**ARTICLE X**  
**Adoption and Amendment**

These Rules of Procedure shall be adopted and amended from time to time by the Board of Commissioners with recommendation from the Commission.



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**Agenda Title:**

**Summary:**

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