

MEMORANDUM

TO: The Alamance County Historic Properties Commission

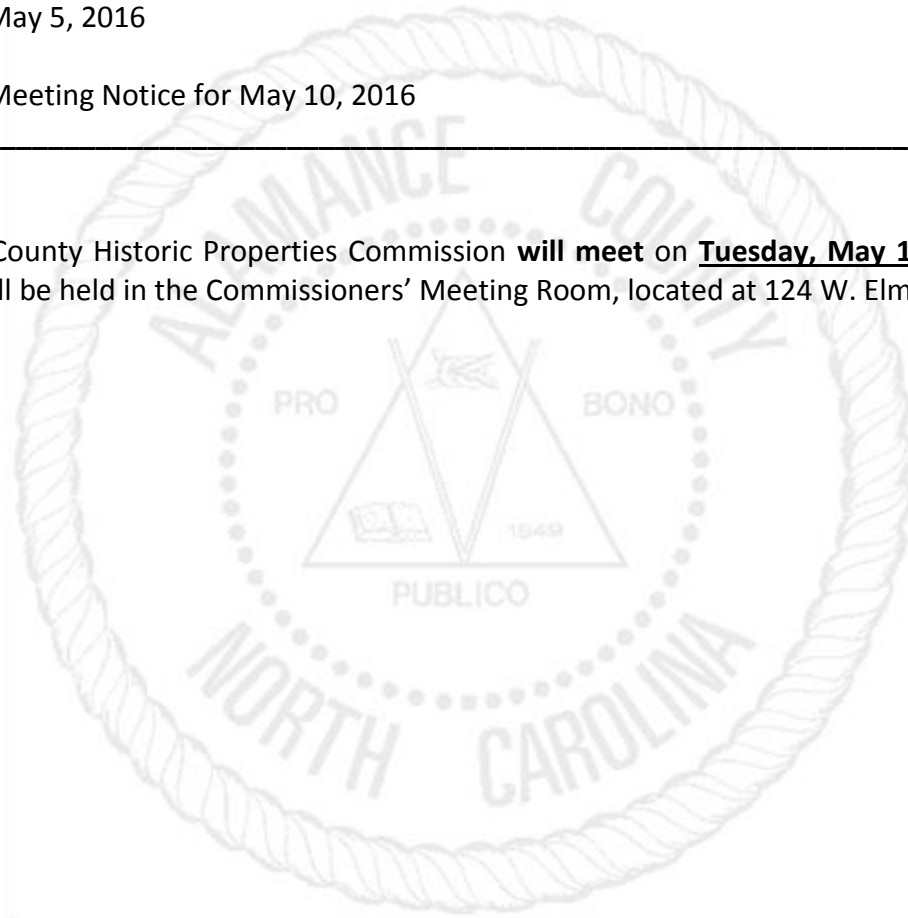
FROM: Jessica Dockery, Planner

DATE: May 5, 2016

SUBJECT: Meeting Notice for May 10, 2016

The Alamance County Historic Properties Commission **will meet** on **Tuesday, May 10, 2016** at 6 PM. This meeting will be held in the Commissioners' Meeting Room, located at 124 W. Elm Street, Graham.

Thank you.



Alamance County Historic Properties Commission

Tuesday, May 10, 2016

6 PM, Commissioners' Meeting Room
124 W. Elm Street, Graham, NC 27253

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

III. OLD BUSINESS

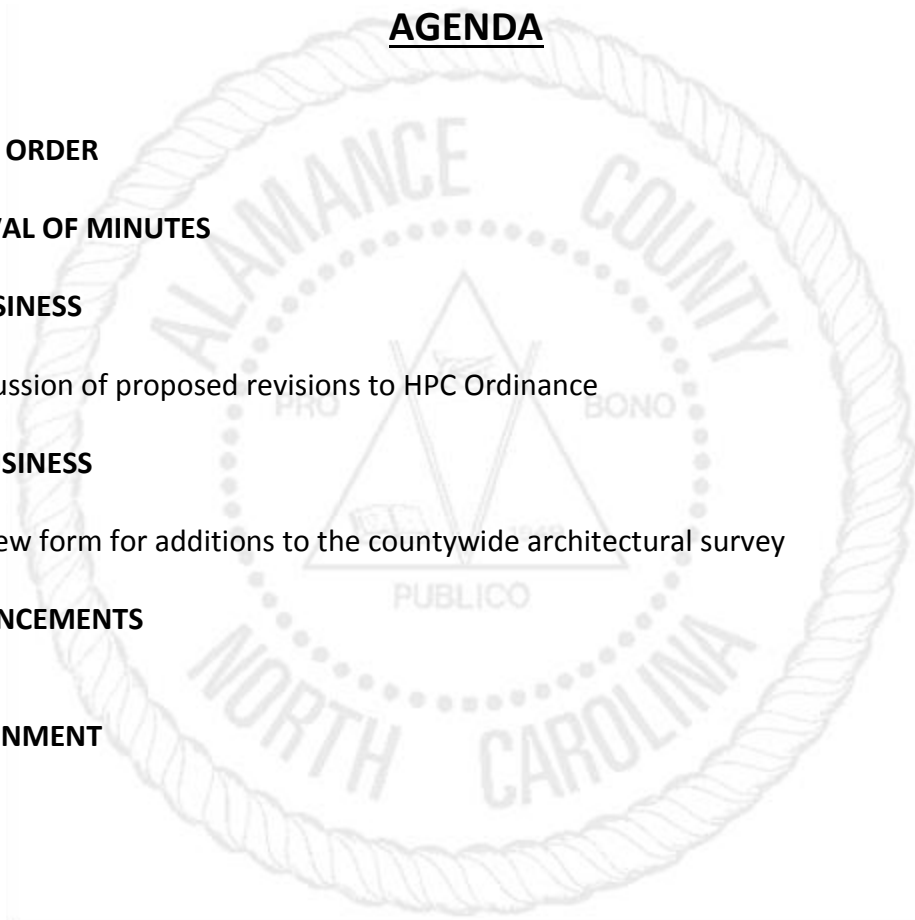
1. Discussion of proposed revisions to HPC Ordinance

IV. NEW BUSINESS

1. Review form for additions to the countywide architectural survey

V. ANNOUNCEMENTS

VI. ADJOURNMENT



Alamance County Historic Property Commission

Tuesday, April 12, 2016

6:00 PM, Commissioners' Meeting Room
124 W. Elm Street, Graham, NC 27253

Minutes

Board Members Present:

Rodney Cheek (Chair)
Laurie Smith (Vice-Chair)
Lea Abbott
Ravi Balan
John Braxton
Bryan Dalton
Marti Friddle
Marcus Orr
Gale Pettiford

Board Members Absent:

none

Staff Present:

Jessica Dockery, Planner

Public Present:

John Barnhart
Phillis Barnhart (COA applicant)

I. Call to Order

Rodney Cheek called the meeting to order at 6:00 PM and roll was taken by staff.

II. Approval of Minutes

Motion to approve minutes: Ms. Friddle
Second: Mr. Balan
Vote: Unanimous

The COA application for Hawfields Presbyterian Church was moved forward to allow the applicants to leave after the vote rather than wait.

III. New Business

1. *COA Application to replace the roof of the Session House at Hawfields Presbyterian Church*- Staff summarized the application and pointed out the samples provided by the applicant. Mr. Balan noted that standards 2, 5, and 6 seem to be applicable. Ms. Barnhart noted that they preferred to use metal to match several other buildings on the property and answered questions from the HPC. Mr. Balan asked if the contractors had preferred one material over another in terms of safety and Ms. Barnhart noted that the

contractors did not discuss safety but suggested metal. Ms. Friddle noted that standing seam metal roofs last for a remarkably long time and that using metal would likely help to preserve the building better and cedar shingles do not have a good reputation for longevity. Mr. Cheek asked if the color of the metal mattered. Mr. Abbott asked what the colors of nearby outbuilding roofs were and it was clarified that the school house roof was green. Mr. Balan suggested repair of the roof but it was stated by the applicant that it was beyond repair and needed to be replaced. Ms. Laurie stated that she was leaning toward the metal roof for longevity of the material and due to the cost. Staff noted that economic considerations should not be the determining factor but rather the standards and the materials appropriateness based on those standards. Mr. Cheek polled the commission regarding opinions on material appropriateness. Staff and commission discussed the standards for appropriateness and staff instructed the commission to refer to the standards in the motion.

Motion to approve a replacement roof in dark green metal: Ms. Smith
Standards Cited: 2, 5, and 6. Metal roofing material was historically available and will allow the structure to be protected longer.

Second: Ms. Friddle

Vote: Unanimous

(An earlier motion by Ms. Pettiford was not voted on since it did not refer specifically to the standards.)

IV. Old Business

1. *Discussion of proposed revisions to HPC Ordinance-* Staff asked if there were any other proposed changes. There were none from the commission but staff suggested lowering the minimum number of commission members to nine. Staff asked if the commission would like the suggested revisions to be reviewed by the county attorney's office at this point, which was approved.

The commission then returned to **New Business**

1. *Develop a policy for adding properties to the countywide architectural survey-* Staff noted that Ms. Friddle had concerns about the lack of a procedure to add properties to the countywide survey, and provide two methods of survey standards, one for NR eligible properties and the other to identify resources that are significant to local history and culture. Staff suggested a form that could be reviewed by the HPC and properties could be added if they appear significant to the HPC with a simple vote. Ms. Friddle thought it would be a good idea to have all important properties identified by location to help with their preservation and she has been doing research on what the original procedure was for the HPC. She also passed around a copy of the original survey publication and noted other resources that have been missed in the past. Staff said they would look for any old forms and create one if

nothing was available to bring to the next meeting for the HPC's approval. It was decided that a vote to approve the form will be taken at a later meeting after it is reviewed by the commission.

V. Announcements

1. *Rehabilitation Tax Credit Workshop*- Staff noted that about 40 people attended the Rehabilitation Tax Credit Workshop on March 16, 2016, a very good turn-out for a public meeting of that sort and that there had been a few follow-up calls.
2. *Central High School Marker Dedication*- Staff reminded the commission of the upcoming marker dedication at 10 AM on April 23, 2016, and encouraged all of the commissioners to attend.
3. *GIS Mapping Project*- Staff noted that the GIS mapping was being updated and the commissioners may be called upon for information or scouting missions for missing properties.

Staff also welcomed Marcus Orr to his first meeting as a commissioner.

VI. Adjournment

Meeting adjourned at 6:39 PM.

Respectfully submitted,

Jessica Dockery
Planner

AN ORDINANCE TO ESTABLISH A HISTORIC PROPERTIES COMMISSION FOR ALAMANCE COUNTY

*Originally Adopted: May 3, 2004
Last Amended: February 6, 2006*

Section I. Preamble

WHEREAS the General Statutes of North Carolina, Section 160A-400.1-15 provides for the establishment and operation of Historic Properties Commissions; and

WHEREAS it has become necessary to safeguard the heritage of Alamance County and North Carolina by preserving property therein that embodies important elements of our cultural, social, economic, and political, or architectural history; and

WHEREAS in order to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of Alamance County and the State as a whole;

BE IT NOW THEREFORE ORDAINED, that the Board of County Commissioners does hereby establish The ALAMANCE COUNTY HISTORIC PROPERTIES COMMISSION hereinafter referred to as the "Historic Properties Commission" (HPC); and ordain that it be governed by the following provisions:

Section II. Purpose

The historical heritage of Alamance County is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, Alamance County seeks:

- (1) To safeguard the heritage of the County, including its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- (2) To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and State as a whole.

Section III. Historic Properties Commission

3.1 Creation and Appointment

There is hereby established, by authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, a joint historic properties commission to be known as the Alamance County Historic Properties Commission or "HPC." **The jurisdiction of the Commission shall include the unincorporated areas of the County and the planning jurisdictions of the municipalities that adopt this ordinance.**

The Commission shall consist of at least 9 members but no more than 15 members appointed by the Board of Commissioners of Alamance County. **The Commission shall elect a Chair and Vice-Chair annually.** All members must reside within the Commission's jurisdiction.

Comment [BP1]: I think wording flows better.

In making appointments to the Commission, the Board of Commissioners shall strive to appoint members geographically representing all areas of the HPC's territorial jurisdiction, including but not limited to, participating municipalities. In making appointments to the Commission, the Board of Commissioners shall seek the advice of local governing bodies, such as State or local historical agencies, societies, or organizations it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

3.2 Qualifications of Members

A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fields.

3.3 Terms

Beginning 24th October 1977, four members of said Commission shall serve an initial term of four years, and three members shall serve an initial term of three years, and three members shall serve an initial term of two years. After the expiration of said initial terms, the terms of office shall be for three years for each member of said Commission. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. Active attendance at the meetings of the Commission is a prerequisite for membership of the Commission. Members are allowed up to three unexcused absences annually before disciplinary action will be taken.

3.4 Rules of Procedure

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 adopted by the Commission shall at least provide for the selection of officers in the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying Certificates of Appropriateness, and a list of minor works for which staff may issue Certificates of Appropriateness.

3.5 Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this ordinance and the N.C. General Statutes, including but not limited to the following:

- (a) Undertake an inventory of properties of historical, **prehistoric**, architectural, archaeological, and/or cultural significance.
- (b) Recommend to the local governing body with which the County has entered an agreement, individual buildings, structures, sites, areas, or objects within its zoning jurisdiction to be designated by ordinance as "historic landmarks," and areas within its zoning jurisdiction to be designated by ordinance as "historic districts."
- (c) Recommend to the local governing body that designation of any area as a historic district or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause.

(d) Review and act upon proposals for alteration or demolition of designated landmarks and for alteration, demolition, or new construction within historic districts, pursuant to this ordinance.

(e) Report violations of this ordinance, or other ordinances affecting historic landmarks and properties within historic districts, to the local official responsible for enforcing this ordinance.

(f) Act as, establish, or designate a group, body, or committee to give advice to owners of historic landmarks or property within a historic district concerning the treatment of the historic and visual characteristics of their property, such as color schemes, gardens and landscape features, minor decorative elements, and for the informal review of major additions and new construction.

(g) Conduct an educational program on historic landmarks and districts within the county.

(h) Publish information, or otherwise inform the public about any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements.

(i) Cooperate with state, federal, and local governments in pursuing the purposes of this ordinance. The local governing body, or the Commission when authorized by the appropriate local governing body, may contract with the State, or the United States of America, or any agency of either, or with any other organization, provided the terms are not inconsistent with the state or federal law.

(j) Communicate with other boards or commissions in Alamance County or with agencies of the County, or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.

(k) Prepare and recommend the official adoption of a historic preservation element as part of the County's comprehensive plan and a municipality's comprehensive plan, at the request of the local governing body.

(l) Accept funds to be used for preservation purposes that are granted to the Commission by private individuals, organizations, and local governing bodies.

(m) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any historic landmarks, land to which historic buildings or structures may be moved, or properties located within historic districts; hold, manage, preserve, restore, and improve the interest; and exchange or dispose of the interest by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by a local governing body shall be acquired in the name of the local government unless otherwise provided by the local governing body.

(n) Restore, preserve, and operate such historic properties.

(o) Enter, at reasonable times, upon private lands and make examinations or surveys as necessary to the performance of its official duties. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

(p) Negotiate at any time with the owner of a building, structure, site, area, or object for its

acquisition or its preservation, when such action is reasonably necessary and appropriate.

(q) Take steps, during the period of postponement of demolition or alteration of any historic landmark or property within a historic district, to ascertain what the local governing body can or may do to preserve such property, including consultation with private civic groups, interested private citizens, and other public boards or agencies, and including investigation of potential acquisition by the local governing body when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.

(r) Propose to the local governing body changes to this or any other ordinance, and propose new ordinances or laws relating to historic landmarks and districts or relating to a total program for the protection and/or development of the historic resources of Alamance County, the municipalities therein, and their environs.

(s) Organize itself and conduct its business, including any meetings or hearings necessary to carry out the purposes of this ordinance.

(t) Assist agencies, individuals, civic groups, special interest groups, or other government entities with the erection of Historic Markers and assist in their design and efforts to maintain historical accuracy of the event or occasion that marker signifies.

4.0 Historic Landmarks

4.1 Adoption of an Ordinance of Designation

Upon Compliance with the procedures set out in Section 4.4, the local governing body may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall:

(a) List the name or names of the owner or owners of the property;

(b) Describe each property designated in the ordinance, including the approximate area of the property so designated;

(c) Describe those elements of the property that are integral to its historical, prehistoric, architectural, archaeological, and/or cultural significance;

(d) Provide for each designated historic landmark, a suitable sign or plaque indicating that the landmark has been so designated; and ???

(e) Any other information the local governing body deems necessary within the authority of this ordinance and the general statutes.

4.2 Criteria for Designation

In order for any building, structure, site, area, or object to be designated in an ordinance as a historic landmark, the Commission must find that the property is of special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

Comment [BP2]: I'm fine with making someone else pay. Perhaps we say that the municipality (including ETJ) where the sign is located is responsible, and if none, the county?

Comment [JD3]: Who pays for them? The inter-local agreements state that the county will cover all of the costs of preservation but maybe we should change that and have new agreements signed that ask for assistance with plaques?

4.3 Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, **prehistoric**, architectural, and archaeological significance in the county as a guide to the identification, assessment, and designation of historic landmarks. The Commission shall update the inventory from time to time.

4.4 Required Procedures for Designation

A local governing body may not adopt or amend an ordinance designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this ordinance and its subsections have been taken, including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic. **Designation procedures may be initiated at the request of a property owner or the Commission may contact property owners to determine interest in [designation].**

4.4.1 Designation Reports

The Commission shall make, or cause to be made, an investigation and report that includes all the information contained in this Section. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission.

- (a) The name of the property to be considered for designation – both common and historic names, if they can be determined;
- (b) The name and address of the current property owner;
- (c) The location of the property proposed to be designated historic, including the street address **and parcel identification number (GPIN)**;
- (d) The date of construction and of any later alterations, if any;
- (e) An assessment of this significance of the site or structure pursuant to Section 4.2;
- (f) An architectural or archaeological description of the area of the site or structure proposed to be designated, the report shall contain a description of those features;
- (g) A historical discussion of the site or structure within its type, period, and locality;
- (h) A photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and siting; and
- (i) A map showing the location of the property **and area to be designated**, including any outbuildings and appurtenant features.

4.4.2 Review by the Department of **Natural and Cultural Resources**

A report accepted by the Commission shall be submitted to the North Carolina Department of **Natural and Cultural Resources**, Office of Archives and History or its successor agency, for comments pursuant to G.S. 160A-400.6, as amended from time to time. The Department of **Natural and Cultural Resources** or its successor agency, acting through the State Historic

Comment [JD4]: Should a reference to the current design guidelines be inserted here in parentheses?

Comment [BP5]: If it is a separate requirement, it's probably better to give it its own paragraph.

Preservation Officer, shall either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

4.4.3 Consideration of the Report

Once the designation report has been prepared, either by the Commission or by the owner, and is deemed by the Commission staff to meet the provisions of subsection 4.4.1, the Commission shall consider the report. The Commission may accept it, amend it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the landmark meets the criteria for designation in Section 4.2.

The Commission should consider any comments received in writing from the Department of **Natural and Cultural Resources** or its successor agency. If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty days following receipt of the report, the Commission and the local governing body shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Department of **Natural and Cultural Resources**, the Commission may recommend to the local governing body that the property be designated as a historic landmark.

4.4.4 Submission to the Governing Body

The Commission shall forward its recommendation to the local governing body. The Commission shall submit a copy of the designation report, any written comments received from the Department of **Natural and Cultural Resources**, and if the recommendation is for approval, a proposed ordinance of designation, to the local governing body.

4.4.5 Public Hearing

When a proposed ordinance of designation is submitted, the Commission and the local governing body shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

4.4.6 Adoption of a Designation Ordinance

Following the required public hearing, the local governing body shall consider the designation report, the Commission's recommendation, the Department of **Natural and Cultural Resource's** comments, and the comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

4.5 Actions Subsequent to Approval

Upon adoption of the ordinance:

- (a) Commission staff shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation within thirty (30) days of adoption of the ordinance by certified mail, return receipt requested.

- (b) The Commission shall file one copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Alamance County. The Register of Deeds shall index each historic landmark according to the name of the owner in the grantee and grantor indexes. The Commission shall pay a fee for filing and indexing.
- (c) **A copy of the ordinance shall be given to the Alamance County Inspections Director.**
- (d) In the case of a landmark lying within the zoning jurisdiction of a municipality, **a copy** of the ordinance shall be kept on file in the office of the municipal clerk and be made available for public inspection at any reasonable time. A copy shall also be given to the municipality's Inspections Director.
- (e) All tax maps maintained by Alamance County shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.
- (f) The Commission staff shall notify the tax assessor of Alamance County of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

4.6 Denied Applications

If the local governing body denies a designation report, a copy of the minutes of the meeting at which such a decision to deny the report was **made shall** be mailed to the owner of the property proposed for designation.

5.0 Historic Districts

5.1 Adoption of an Ordinance of Designation

No historic district may exist without an ordinance designating it as such. Upon compliance with the procedures contained in Section 4.4, the local governing body, within its jurisdiction, may **adopt, amend, or repeal** an ordinance designating one or more historic districts.

5.2 Criteria for Designation

In order for any area to be designated in an ordinance as a historic district, the Commission must find that the area is of special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

5.3 Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, **prehistoric**, architectural, and archaeological significance in the county as a guide for the identification, assessment, and designation of historic districts. The Commission shall update the inventory from time to time.

5.4 Required Procedure for Designation

A local governing body may not adopt or amend an ordinance designating a historic district, nor may the local governing body or the Commission accept any district until the steps prescribed by this Section have been taken.

5.4.1 Designation Report

The Commission shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such proposed district, and the description of the boundaries of such district. Such report shall be referred to the local governing body or the local planning agency for its review and comment according to procedures set forth in the zoning ordinance of the corresponding jurisdiction.

5.4.2 Review by the Department of Cultural Resources

All designation reports shall be submitted to the North Carolina Department of **Natural and Cultural Resources** by the Commission. The Department of **Natural and Cultural Resources** or its successor agency, acting through the State Historic Preservation Officer, shall, either upon the request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any district.

If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the local governing body shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the **Department**, the Commission may recommend to the local governing body that the area be designated as a historic district.

5.4.3 Review by Other Groups

The local governing body may also, in its discretion, refer the designation report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action to amend the zoning ordinance.

5.4.4 Adoption of a Designation Ordinance

On receipt of these reports and recommendations, the local governing body may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

5.5 Revisions to Districts

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in Section 5.0 shall apply.

6.0 Certificate of Appropriateness

6.1 Required

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark, or

within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. In adopting an ordinance establishing a historic district, the local governing body shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures shall be issued unless the Commission has first issued a Certificate of Appropriateness authorizing the construction, alteration, moving, or demolition. Any building permit or such other permit not issued in conformity with this section shall be invalid. In approving a Certificate of Appropriateness, the Commission may attach reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required whether or not a building permit is required.

For purposes of this ordinance, “exterior features” shall include the architectural style **or character**, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall mean the style, material, size, and location of all such signs. In adopting an ordinance establishing a historic district, the local governing body may provide that “exterior features” also include historic signs, color, and significant **streetscape**, landscape, archaeological, and natural features of the area. The Commission shall take no action under this moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

6.2 Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt the guidelines, not inconsistent with Part 3B Article 19 of Chapter 160A of the N.C. General Statutes for altering, restoring, moving, or demolishing of property designated as historic. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

Comment [JD6]: Should a reference to the current design guidelines be inserted here or should this be left as is?

6.3 Limitations on Interior Review

Notwithstanding this ordinance, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly-owned landmarks, and of privately-owned historic landmarks for which consent for interior review has been given by the owner. If an owner’s consent for interior review has been filed in the office of the Alamance County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the Commission’s jurisdiction over those features.

6.4 Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. Nor shall this ordinance be construed to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature when a building inspector or similar official certifies to the

Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the Commission.

6.5 Administrative Approval for Minor Works Allowed

The Commission staff may issue a Certificate of Appropriateness for minor works, as listed in the Commission's Rules of Procedure. Minor works shall include and are defined as those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole.

No application for a minor works Certificate of Appropriateness may be denied without formal action by the Commission.

6.6 Delay in Demolition of Designated Properties

Except as provided below, the Commission may not deny an application for a Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district. However, the Commission may delay the effective date of such a certificate for a period of up to 365 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 permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property, as provided in subsection 3.5(q).

The Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the local governing body, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the local governing body takes action on the designation, whichever occurs first. Should the governing body approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness for demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the period of delay while the designation was pending.

6.7 Demolition by Neglect

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this ordinance. The local governing body may take appropriate actions to prevent demolition by neglect, provided such actions include appropriate safeguards to protect the property owner from undue hardship.

Comment [JD7]: The HPC would like to modify this so that any character-defining street trees in Local Historic Districts could be protected through the review by the HPC of proposed tree pruning and equipment placement. This would not apply to all historic districts or individual properties, only to those where the landscape has been determined to be part of the historical significance of the designated property or district.

Comment [BP8]: That's a policy issue. I'll do what I'm told on that.

Comment [JD9]: This has been challenged in several communities, especially in regards to tree pruning by utility companies or placement of equipment. Utilities can be required to coordinate with local commissions to ensure streetscapes and other historic properties are not adversely affected.

Comment [BP10]: Your guess is as good as mine.

Comment [JD11]: This is not in the statute. What is the source for this?

Comment [JD12]: The HPC would like to explore the possibility of a separate Demolition by Neglect Ordinance for local landmarks and properties in Local Historic Districts

6.8 Required Procedures

6.8.1 Submittal for Application

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Commission staff. Applications for Certificates of Appropriateness shall be considered by the Commission at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least 10 working days before the meeting; otherwise consideration shall be deferred until the following meeting.

6.8.2 Contents of Application

The Commission shall, by uniform rule in its Rules of Procedure, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted.

Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

6.8.3 Notification of Affected Property Owners

Before considering an application for a Certificate of Appropriateness, the Commission shall notify by mail the owners of any adjacent property. The mailed notices are for the convenience of the property owners and occupants and any defect or their omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

6.8.4 Hearing

When considering an application, the Commission shall give the applicant and owners of any property likely to be materially affected by the application, an opportunity to be heard.

6.8.5 Commission Action on Application

When considering the application, the Commission shall apply the review guidelines required by Section 6.0, and shall, before final action of the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria.

The Commission's action on the application shall be approval, approval with **conditions**, deferral, or disapproval.

6.8.6 Reasons for Commission's Actions to Appear in Minutes

The commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with **conditions**, deferral, or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

6.8.7 Time Limits

If the Commission fails to take final action upon any application within ninety (90) days after the complete application is submitted to the Commission staff, the application shall be deemed to be approved as submitted. This time period may be extended upon mutual agreement between the Commission and the applicant.

A Certificate of Appropriateness shall expire six months after the date of issuance, or in the case of a demolition Certificate of Appropriateness, the effective date, if the work authorized by the certificate has not been commenced. If the work has been discontinued for a period of twelve months after commencement, the permit shall immediately expire.

Comment [JD13]: Is this for demo work or any work?

Comment [BP14]: I would say that it is the work authorized by the Certificate.

6.8.8 Submission of New Application

If the Commission denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

6.8.9 Appeals of the Commission's Decision

An appeal may be made to the governing board of the corresponding jurisdiction regarding the Commission's action in approving or denying any application for a Certificate of Appropriateness. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) days following the Commission's decision, unless oral notice of appeal is made to the Commission during the meeting at which the decision is rendered. Appeals must be filed with the governing board of the corresponding jurisdiction within 60 days following the Commission's decision. Appeals shall be in the nature of certiorari. The governing board's decision in any such case may be appealed to the Superior Court of Alamance County.

6.9 Ordinance to Apply to Publicly Owned Buildings and Structures

Designated historic buildings, structures, sites, areas, or objects owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this ordinance, in accordance with North Carolina General Statute 160A-400.9(f).

6.10 Remedies

In case any building, structure, site, area, or object designated a historic landmark, or any property located within a historic district, is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this ordinance, the local governing body, the Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling, or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such historic property.

Comment [BP15]: Is there a requirement that we provide a private right of action for this?

Comment [JD16]: What are these?

Comment [BP17]: My assumption is that the intent here is to allow someone to get an injunction to start/stop whatever is going on.

7.0 Conflict with Other Laws

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

This Ordinance shall be effective from and after the adoption thereof, that is May 3rd, 2004.

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner



ALAMANCE COUNTY HISTORIC PROPERTIES COMMISSION

ARCHITECTURAL SURVEY INVENTORY APPLICATION

This application is used to request the inclusion of newly identified historic properties in the Alamance County architectural survey inventory.

Please type or print clearly and answer each question as fully as possible:

APPLICANT INFORMATION

Name

Mailing Address

Daytime Telephone Number

Email address

LEGAL OWNER OF PROPERTY

Name

Mailing Address

Daytime Telephone Number

Email address

HISTORIC PROPERTY NAME *(Original owner's name, long-time resident's or family name associated with property, business name, or the name given the property by the owners)*

ADDRESS OR DETAILED DESCRIPTION OF ITS LOCATION *(Include town or vicinity)*

PROPERTY DETAILS

Date of construction and date(s) of significant alterations/additions

Historic use

Condition

Are there accessory buildings? Is it part of a complex of buildings (ex. a textile mill or a farm complex)? *Please describe, including the same as above for each building, and attach a new sheet if additional space is needed.*

Have any of the buildings been moved? Yes No If yes:

When was it moved?

Where was it originally located? *Please be as specific as possible*

Architect or builder, if known

If a farm or property with a designed landscape, are the field patterns or landscaping still intact?

Landscape architect/designer for designed landscape, if known

DETAILED DESCRIPTION OF THE PROPERTY (*Provide a detailed description of each building and any significant landscaping, including intact field patterns, on the property. Include information about building materials and decorative finishes. Interior descriptions are helpful but not required. Attach more sheets if additional space is needed.*)

HISTORY AND SIGNIFICANCE OF THE PROPERTY (*Explain the property's history and also explain how this property exemplifies the culture and history of Alamance County, how it is a good example of an architectural style, form, or building technique, or its connection to a significant person in Alamance County's history. Attach more sheets if additional space is needed.*)

MAP/PLANS (*Provide a map on a separate sheet that shows the location of the property. Street names and the specific location of buildings and other features should be included. If possible, please also include a sketch drawing of the floor plan.*)

PHOTOS (*Please provide a photos of the property and any notable features, preferably on a CD.*)