

ARTICLE VI

HISTORIC PRESERVATION COMMISSION

Section 1. Authority.

A Historic Preservation Commission is hereby established pursuant to NCGS 160A-400. Pursuant to Section 4 of Sessions Laws 1989, c 706, nothing in this Ordinance shall affect the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statutes; such establishment or designation being prior to the effective date of this Ordinance.

Section 2. Purpose.

The Historic Preservation Commission and subsequent powers and authority, adopted and prescribed in this Ordinance, is found to be necessary and appropriate to:

- (A) Protect, safeguard, and conserve the heritage of the community;
- (B) Promote the sound and orderly preservation of historic areas as a whole, and of the individual properties therein, which embody important elements of social, economic, political, or architectural history for the education, pleasure, and enrichment of all citizens; and
- (C) Enhance property values within historic areas.

Section 3. Membership.

The Historic Preservation Commission shall be composed of seven (7) members, all of whom shall be residents of the City of Reidsville and shall have demonstrated experience or an interest in the preservation of historic structures, architectural history, or archaeology. However, at the time of this zoning amendment the membership shall be made up of the entirety of the membership of both the Historic District Commission and the Historic Properties Commission as of the date of the zoning amendment. No member shall be reappointed to another term nor shall any new member be appointed to the Historic Preservation Commission until such time that appointment is necessary to attain the maximum membership of seven (7) persons.

Upon attaining maximum membership provided in this section, vacancies occurring for reasons other than the expiration of term shall be filled as they occur by the City Council for the period of the unexpired term. Members of the Commission may be removed by the City Council for inefficiency, neglect of duty, or poor attendance at meetings. Any commission member who shall miss more than three (3) consecutive meetings, or four (4) meetings in a twelve-month period, shall be considered to automatically have resigned the appointment to this Commission. A member terminated for lack of attendance may appear before the City Council and request reinstatement.

Members of the Historic Preservation Commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the Commission, but shall serve otherwise without pay.

The Historic Preservation Commission shall meet at least monthly at a date and time deemed most appropriate and convenient by its membership. These meetings shall be open to all interested parties.

Section 4. Quorum.

A quorum shall consist of a majority of the members of the Historic Commission. The concurrence of at least a majority of those members present will be required before any recommendation or action is made on any matter considered. When any matter is transmitted to the City Council without recommendations, the reasons for the lack of a recommendation shall be stated.

Section 5. Powers and Duties.

The Historic Preservation Commission shall have the following powers and duties:

- (A) to recommend to the City Council areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to designated by ordinance as "Landmarks";
- (B) to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
- (C) to grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold public hearings on the issuance or revocation of such Certificates;

- (D) to make recommendations to the Planning Board and City Council concerning requests for zoning map amendments, Conditional Use Permits, or Special Use Permits affecting historic properties or districts; and to make recommendations to the Board of Adjustment concerning variances or special exceptions affecting historic properties or districts;
- (E) to make recommendations to the Planning Board and City Council regarding appropriate changes to this Ordinance which relate to historic districts or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the City Council;
- (F) to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established historic districts or to any such properties designated as landmarks; to hold, manage, preserve, restore, and improve same; and to exchange or dispose of the property 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;
- (G) to restore, preserve, and operate historic properties;
- (H) to recommend to the City Council that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;
- (I) to conduct an educational program with respect to historic properties and districts within its jurisdiction;
- (J) to 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 or appropriate; to operate with the State, federal, and local governments in pursuance of the purposes of this Article. The City Council or the Historic Preservation Commission when authorized by the City Council 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 State or federal law;
- (L) to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof.

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However, no member, employee, or agent of the Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof;

- (M) to review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Article; and
- (N) to exercise other powers and authority provided to it by the City Council, this Ordinance and State Law.

Section 6. Historic Districts, General.

- (A) Historic Districts are defined as and shall consist of areas which are deemed to be of special significance in terms of history, architecture and/or culture, and to process integrity of design, setting, materials, feeling and association.
- (B) A Historic district is hereby established as a district which overlays the other zoning districts, the extent and the boundaries of which are indicated on the official zoning map for Reidsville and its environs. A Historic District overlays or may overlay one or more residential, institutional, industrial, commercial and/or other zoning district classifications, and all uses permitted in any such district, whether by right or as a special exception, shall be permitted in a Historic District according to the procedures otherwise established for such uses: provided, however, that before any building or other permit is issued or any work is begun on any building construction, alteration, demolition, moving, or any other activity commenced that would alter the exterior appearance of any building, structure or appurtenance feature within the district, a certificate of appropriateness shall be issued by the Historic Commission.

Section 7. Establishment of Historic Districts, Rezoning in Historic Districts, and Amendments to Existing Historic Districts.

Historic Districts, as provided for in this Article, and from time to time maybe designated, amended, or repealed through the following procedure:

- (A) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district must be prepared by the Reidsville Historic Preservation Commission and a recommendation thereon made to the Planning Board;
- (B) The North Carolina Department of Cultural Resources, acting through an agent or employee designated by its secretary, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the department to submit its written analysis and recommendations to the City of Reidsville within thirty (30) calendar days after a written request for such analysis has been mailed shall relieve the City of Reidsville of any responsibility for awaiting such analysis, and said body may at any time thereafter take any necessary action to adopt or amend its zoning ordinance;
- (C) The Planning Board and City Council shall process Historic District zoning and rezoning in the same manner as set forth in Article X for zoning changes;
- (D) The Historic District Commission shall make a recommendation to the Planning Board on any request to change the zoning classification of property within a Historic District.

Section 8. Designation of Landmarks; Adoption of an Ordinance; Criteria for Designation.

- (A) The City Council may adopt and amend from time to time or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural, or structural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.
- (B) The ordinance shall describe each property designated in the ordinance, the name of names of the owner or owners of the property, the elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated, and any other information the City Council deems necessary.

For each building, structure, site, area, or object so designated as a historic landmark the ordinance shall require that the waiting period set forth in the Article

be observed prior to its demolition. For each designated landmark, the ordinance may also provide for a suitable sign on the property indicating that the property has been so designated. If the owner consents, the sign shall be placed upon the property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

Section 9. Require Landmark Designations.

The Historic Preservation Commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History. No ordinance designating a historic building, structure, site, area or object as a landmark nor any amendment thereto may be adopted nor may any property be accepted or acquired by the Historic Preservation Commission or the City Council until all of the following procedural steps have been taken:

- (A) The Historic Preservation Commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principles and guidelines, not inconsistent with this Article for altering, restoring, moving, or demolishing properties designated as landmarks.
- (B) The Historic Preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
- (C) The Department of Cultural Resources, acting through the State Historic Preservation Officer shall either upon request of the department or at the initiative of the preservation commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Article. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within thirty (30) days following receipt by the Department of the investigation and report of the commission, the commission and the City Council shall be relieved of any responsibility to consider such comments.

- (D) The Historic Preservation Commission and the City Council 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. All meetings of the commission shall be open to the public, in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.
- (E) Following the joint public hearing or separate public hearings, the City Council may adopt the ordinance as proposed or adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (F) Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the Historic Preservation Commission in the office of the register of deeds of the county in which the landmark or landmarks are located. Each designated landmark shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the Historic Preservation Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be kept on file at the Department of Planning and Code Enforcement. The fact that a building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.
- (G) Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the Historic Preservation Commission to give notice thereof to the tax supervisor of Rockingham County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

Section 10. Required Conformance to Dimensional Regulations; Exceptions.

Structures within a Historic District shall conform to the dimensional requirements of the Zoning Ordinance except as specified herein;

- (A) All building setbacks, front yard, side yard, rear yard, plot coverage and height requirements shall comply with applicable zoning regulations unless a special

exception is approved by the Board of Adjustment. Said special exception shall be granted only if it complies with the intent of the architectural and historic guidelines.

(B) Where the Historic Preservation Commission, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces or design standards required by the zoning regulations for a building permit is requested would render the building incompatible with the historic aspects of the district, it may recommend to the Board of Adjustment a waiver, in part or in whole of the off-street parking requirements. The Board of Adjustment may authorize as a special exception a reduced standard concerning off-street parking provided;

(1) the Board finds that the lesser standard will not create problems due to increased on-street parking, and

(2) will not constitute a threat to the public safety.

Section 11. Certificate of Appropriateness Required.

Within a Historic District, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps, pavements, paths, trees, or any other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished until after an application for a certificate of appropriateness has been submitted to and approved by the Historic Preservation Commission. A certificate of appropriateness shall be issued prior to any application for a building permit being made, and shall be issued or denied, subject to such reasonable conditions as the Historic Preservation Commission may impose thereon, according to such standards as may be set forth elsewhere in this article or adopted by the Historic Preservation Commission. A certificate of appropriateness shall be required for all activities specified in this section whether a building permit is otherwise required or not. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for any period of six (6) months shall render the certificate null and void and application shall be made for a new certificate.

This Historic Preservation Commission may, after the adoption of architectural and historic guidelines, allow the review and approval on minor work by the Director, provided, however that no application for a certificate of appropriateness may be denied without formal action by the Historic Preservation Commission.

The City of Reidsville and all public utilities shall be required to obtain a certificate of appropriateness prior to initiating in a Historic District any changes in the character of street paving, utility installation, lighting, street trees, walls, fences or exterior of buildings on property or streets in which they have a fee or other interest.

Section 12. Application for Certificate of Appropriateness.

Application for a certificate of appropriateness shall be filed with the Director on forms provided therefor. The application shall be filed no later than fifteen (15) days prior to the next regularly scheduled meeting of the Historic Preservation Commission.

Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction or demolition. The names and the mailing addresses of the property owners filing the application and the names and mailing addresses of the property owners within one hundred feet on all sides of the property which is the subject of the application must also be filed. A fee established by the City Council shall accompany an application for a certificate of appropriateness. The Director is instructed not to accept any application which is not accompanied by the aforementioned information.

Section 13. Action on Application for Certificate of Appropriateness.

The Director shall make a reasonable attempt to identify and notify by mail the owners of any property likely to be affected by the application. The department shall transmit the application for a certificate of appropriateness, together with the supporting information and material, to the Historic Preservation Commission for consideration.

The Historic Preservation Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Historic Preservation Commission and the applicant.

Prior to issuance or denial of a certificate of appropriateness, the commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard.

In cases where the commission deems it necessary, it may hold a public hearing concerning the application, and seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

The commission shall not refuse to issue a certificate of appropriateness except for the purposes of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenances features or outdoor advertising signs in the Historic Preservation District which would be incompatible with the architectural and historic guidelines.

If the application is approved, the Director shall prepare a certificate of appropriateness in letter form clearly describing the nature of the work which has been approved. A placard form of a certificate of appropriateness to be displayed on the project shall be included with the letter and both shall be transmitted to the applicant.

If an application is denied, the Director shall prepare a letter clearly stating the reasons for the denial. A copy of the minutes shall be made available to the applicant.

An appeal may be taken to the Board of Adjustment from the commission's action in granting or denying any certificate, which appeals (1) may be taken by any aggrieved party (2) shall be taken within ten (10) days after the decision of the commission, and (3) shall be in the nature of certiorari.

Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of Rockingham County.

Section 14. Review Criteria.

In granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

The commission shall not consider interior arrangement. The provisions of this section, however, shall not become effective for a Historic District until after the Historic Preservation Commission has adopted detailed architectural and historic guidelines applicable to proposals within a designated Historic District.

These criteria shall take into account the historic, architectural and visual elements which are unique to the district and shall be updated a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

- (A) **Historic significance or quality:** The quality of significance in history, architecture, archeology or culture present in districts, sites, buildings, structures or objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and; that are associated with events that have made a significant contribution to the broad pattern of local, state or national history; or that are associated with events that have made a significant contribution to the broad pattern of local, state or national history; or that are associated with the lives of persons significant in the past; or that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history.
- (B) **Exterior form and appearance:** Exterior features include the architectural form and style, general design and general arrangement of a building or other structures including the type and texture of the building material and, the type, pattern and style of all windows, doors, light fixtures, signs and other appurtenant structures.

In considering exterior form and appearance, the commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

- (1) The height of the building;
- (2) The setback and placement on lots of the building, including lot coverage and orientation;
- (3) Exterior construction materials, including textures and patterns and may include color;
- (4) Architectural detailing, such as lintels, cornices, brick bond, foundation material, and decorative wooden features;
- (5) Roof shapes, forms and materials;
- (6) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;
- (7) General form and proportions of buildings and structures;

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- (8) Appurtenant fixtures and other features such as lighting;
- (9) Structural condition and soundness;
- (10) Use of local or regional architectural traditions; and
- (11) Effect of trees and other landscape elements.

Section 15. Certain Changes Not Prohibited.

Nothing in this article shall be construed to prevent:

- (A) The ordinary maintenance or repair of any exterior architectural feature in a Historic District which does not involve a change in design, material, or outer appearance thereof;
- (B) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify in writing to the commission is required to protect the public safety because of an unsafe or dangerous condition; or
- (C) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms, tornadoes, ice storms and the like.

Section 16. Delay in demolition of buildings within Historic Districts.

An application for a certificate of appropriateness authorizing the demolition of a building or structure within a district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized 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 Historic Preservation Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building.

If the Historic Preservation Commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

The City Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district.

Section 17. Compliance.

Compliance with the provisions of this article shall be enforced by the Director. Failure to comply with this chapter and provisions of a certificate of appropriateness shall be unlawful and a violation of the zoning ordinance, and all remedies authorized by law for noncompliance with zoning ordinances may be exercised to enforce this chapter.