Handbook for Historic Preservation Commissions in North Carolina

A joint publication of

Preservation North Carolina

and

State Historic Preservation Office
Division of Archives and History
North Carolina Department of Cultural Resources

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Contents

Chapter Page

Foreword ..... *vii*

Preface ..... *ix*

How To Use This Handbook ..... *ix*
Samples of Local Historic Preservation Documents ..... *ix*
Why Preserve? ..... *x*
North Carolina's Historic Preservation Enabling Legislation ..... *x*
About the State Historic Preservation Office ..... *xi*
About Preservation North Carolina ..... *xi*
Acknowledgments ..... *xii*

1. The Historic Preservation Commission: An Overview 1

The Commission's Purpose 1
Historic Landmarks and Historic Districts Defined 1
How the Commission Is Established 2
What the Commission Does 4
Commission Procedures and Operations 9

2. Establishment of the Commission 11

Types of Historic Preservation Commissions 11
The Ordinance Establishing the Commission 12
The Commission's Purpose 12
The Commission's Composition 12
Requirements for Meetings, Attendance, and Administration 15
The Commission's Powers and Responsibilities 15
Criteria and Procedures for Landmark and District Designation 17
Procedures for Review of Applications for Certificates of Appropriateness 17
Resolution of Conflict with Other Laws 17
What a Newly Established Commission Must Do 18
The Certified Local Government Program 18
Benefits of CLG Status 18
Qualification as a CLG 19

3. Rules of Procedure 21

The Legal Need for Rules of Procedure 21
What the Rules Should Cover 22
Members and Officers 22
Scheduling and Notice of Meetings and Hearings 23
Conduct of Meetings and Hearings 24
Recommendation of Designation (or of Revocation) 28
Application for a Certificate of Appropriateness and Review of Applications 29
Appeals from Commission Decisions 29
Record Keeping and Reporting 29
Amendment of the Rules of Procedure 30

Chapter Page

4. Design Guidelines . . . 31
The Purpose of Design Guidelines . . . 31
What the Design Guidelines Must Cover . . . 32
Items Subject to Design Review . . . 32
Features Covered by the Design Guidelines . . . 32
Changes Not Requiring a Certificate of Appropriateness . . . 33
Development of Guidelines . . . 33
Personnel and Resources . . . 33
Relevance to Local Historic Resources . . . 34
Practicality, Flexibility, and Applicability . . . 34
Review and Revision . . . 34
Types of Design Guidelines . . . 34
New Construction . . . 35
Rehabilitation . . . 35
Reconstruction . . . 37
Signs . . . 37
Landscaping . . . 38
Demolition and Relocation . . . 38
Minor Works . . . 39
Publication and Distribution of Guidelines . . . 40

5. Inventory of Local Historical Resources . . . 41
The Inventory's Purpose and Scope . . . 41
Information the Inventory Should Include . . . 41
The Importance of Mapping . . . 42
Personnel and Resources for the Inventory . . . 43
Publication and Maintenance of the Inventory . . . 43

6. Designation of Historic Landmarks . . . 45
Types of Historic Landmarks . . . 45
Prerequisites for Designation of Landmarks . . . 46
Procedure for Designation of Landmarks . . . 46
Investigation of Proposed Landmarks . . . 47
Criteria for Significance . . . 47
Aspects of Integrity . . . 47
Report on the Proposed Landmark . . . 48
Recommendation by the Commission . . . 49
The Designation Ordinance . . . 49
Public Hearings on the Proposed Ordinance . . . 50
Notification of Designation . . . 51
Effects of Landmark Designation . . . 51
Requirement for a Certificate of Appropriateness . . . 51
Property Tax Deferral for Designated Landmarks . . . 52
Revocation of Landmark Designation . . . 53

Chapter Page

7. Designation of Historic Districts . . . 55
Definition of a District . . . 55
Types of District Zoning . . . 55
Overlay Districts . . . 56
Separate Use Districts . . . 56
Procedures for Designation of Districts . . . 56
Investigation of Proposed Districts . . . 57
Criteria for Significance and Integrity . . . 57
Setting of Proposed Boundaries . . . 57
Report on the Proposed District . . . 58
Amendment of the Zoning Ordinance . . . 60
Effect of Historic District Designation . . . 61
Requirement for Certificate of Appropriateness . . . 61
Federal and State Tax Credits for Rehabilitation of Income-Producing Properties . . . 61

8. Certificates of Appropriateness . . . 63
The Requirement for a Certificate of Appropriateness . . . 64
Property Ownership . . . 64
Other Permits . . . 64
Interior Review . . . 64
Application for a Certificate of Appropriateness . . . 65
Content of the Application . . . 65
Informal Consultation with Property Owners . . . 65
Review of Applications . . . 65
Notification of Affected Parties . . . 66
The Opportunity To Be Heard . . . 66
Sources of Information for Review of Applications . . . 66
Time Limit for Review . . . 67
The Standard for Review of Proposed Changes . . . 67
Order of Business for Consideration of Applications . . . 67
Notice of Approval or Denial of Applications . . . 67
Modification of Applications . . . 69
Reconsideration of Applications . . . 69
Minor Works . . . 69
Delay of Demolition or Relocation . . . 69
Exception for Properties of Statewide Significance . . . 70
Waiver or Reduction of the Delay Period . . . 70
Demolition by Neglect . . . 70
Properties and Districts Proposed for Designation . . . 70
Negotiation During the Delay Period . . . 71
Appeals . . . 71
Compliance . . . 72
Enforcement of Designation Ordinances . . . 72
Prevention of Violations . . . 72

Chapter Page

9. Preservation Planning 73
Identification and Analysis of Local Historical Resources 73
Preservation Goals and Priorities 74
Preservation Measures 75
Regulatory and Administrative Tools 75
Economic Incentives 76
Statewide or National Recognition of Properties or Districts 76
Public Education and Encouragement of Private Initiative 76
Acquisition 76

10. Public Education and Public Relations 77
Public Education 77
Presentations 78
Publications 78
Other Public Awareness Programs 79
Public Relations 80
Community Relations 80
Relations with Local Government 80
Relations with Property Owners 80
Media Publicity 81

11. Acquisition and Management of Historic Properties 83
Acquisition or Lease of Properties 83
Operation and Management of Properties 83
Revolving Funds 84
Remainder Interest 84
Leases 85
Preservation Agreements 85
Historic Preservation Easements 86
Protective Covenants 86

12. Commission Administration 87
Personnel 87
Responsibilities and Training of Commission Members 87
Staff 88
Volunteers 88
Consultants 89
Interaction with Other Local Government Bodies 89
Budget and Funding 90
Commission Expenses 90
Sources of Funding 90
Annual Report 91

For More Information on Historic Preservation 93

Foreword

Local historic preservation commissions are on the front lines of preservation. Designation of local historic districts and landmarks provides the most comprehensive means of protecting historical resources from degradation and destruction—stronger than listing in the National Register of Historic Places and more widespread than private preservation efforts. Preservation in North Carolina is much enhanced by strong preservation commissions.

Commissions are at the center of preservation action. Key commission decisions are discussed, written about and broadcast, praised and condemned. Reverberations are heard from city hall and the courthouse to Raleigh and Washington.

To help commissions make informed and procedurally sound decisions, Preservation North Carolina and the State Historic Preservation Office have collaborated to produce this handbook. We hope each commission member will first read the overview in Chapter 1, then use the handbook often for reference, keeping it close at hand at meetings.

Please let us know how we in Raleigh can be of service to you who serve on preservation's front lines. Together, we can work to preserve our state's rich heritage for the enjoyment and edification of present and future generations.

J. Myrick Howard
Executive Director
Preservation North Carolina

David Brook
Administrator
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Division of Archives and History
North Carolina Department of
Cultural Resources

Elmhurst, Graham. *This notable example of the Second Empire style was threatened with demolition when the property was placed on the market in 1992, but efforts by the Graham Historic District Commission and others resulted in Elmhurst's purchase by NationsBank, which rehabilitated it as a branch bank.*

West End Historic District, Winston-Salem. *After a years-long campaign, neighborhood residents and the Winston-Salem Historic District Commission succeeded in having the West End neighborhood designated as the city's third historic district. The West End is one of the city's most distinctive late nineteenth- and early twentieth-century residential areas.*

Preface

This handbook describes the nature and function of local historic preservation commissions in North Carolina. It is intended as a guide and reference for commission members and staff and for communities that may be interested in establishing commissions. It also provides anyone interested in preservation with an introduction to North Carolina's mechanism for historic preservation at the local level.

How To Use This Handbook

This handbook summarizes and explains the state law enabling the establishment of local historic preservation commissions. It also provides practical guidelines for commission operations and explains briefly how the activities of local commissions relate to preservation activities at the state and national levels.

Chapter 1 provides an overview of the contents of this handbook. Chapters 2 through 12 discuss in more detail the specific powers and responsibilities of historic preservation commissions in North Carolina. At the end of the handbook is a list of agencies and organizations that can provide further information on historic preservation.

We encourage preservation commission members and staff to personalize this handbook. The wide margins are meant to allow readers to make notes and add information relevant to their own local circumstances. We suggest making this handbook the heart of a notebook containing the reference materials essential to commission membership or support—such as copies of the state enabling legislation, the local ordinance establishing the commission, the rules of procedure, the design guidelines, the minutes of commission meetings, and a list of key contacts and phone numbers in local government and the local preservation community.

Samples of Local Historic Preservation Documents

Samples of documents required for establishment and functioning of local historic preservation commissions in North Carolina are available from the State Historic Preservation Office. These include the following: an ordinance establishing a commission, commission rules of procedure, design guidelines, an ordinance designating a local historic landmark, and an amendment to a zoning ordinance designating a local historic district.

To obtain these sample documents, contact the Survey and Planning Branch, State Historic Preservation Office, 109 E. Jones Street, Raleigh, NC 27601-2807; telephone (919) 733-6545.

Why Preserve?

Many cities and towns have found historic preservation to be a useful tool for stabilizing property values and stimulating new investment in older residential neighborhoods and commercial areas. Cities and towns have benefited from a boost to the tax base accompanied by relatively small public expenditures, and counties have found that preservation attracts people to rural areas that had been declining. Preservation efforts have increased tourism and commercial activity, and the improved appearance of areas has enhanced recruitment of industry.

Perhaps the most compelling reasons for historic preservation are not economic, but psychological—associated with the continuity and quality of human life. Preservation seeks not to prevent physical change, but to moderate it and to reduce the sense of dislocation it can produce. Historic landmarks and districts provide a tangible link with the past, with people and events that have made significant contributions to our history and thus have helped shape our present. They help give our communities individual character and ourselves a sense of place and connection.

The success of North Carolina's historic landmark and district regulation depends in large measure on the members of individual historic preservation commissions. With commitment, work, resourcefulness, and diplomacy, North Carolina's historic preservation commissions have the potential to make major and lasting contributions to the preservation of the state's cultural and scenic resources, to the revitalization of once-deteriorating architectural treasures, and to the overall quality of the human environment.

North Carolina's Historic Preservation Enabling Legislation

North Carolina's first law enabling a local government to create a local historic district was passed as *Session Laws of North Carolina, 1965*, c. 504, and subsequently codified as *General Statutes of North Carolina*, c. 160, ss. 160-178.1–160-178.5. The original purpose of this law was to legitimize Winston-Salem's Old Salem Historic District, which had been established in 1949 by local ordinance without state statutory authority. Other cities and towns interested in creating historic districts were added to this act.

In 1971, the law was rewritten and made to apply statewide, as *General Statutes of North Carolina*, Chapter 160A. Part 3A enabled local governments to establish historic district commissions, and Part 3B enabled local governments to establish historic properties commissions to protect individual properties. This legislation regulated changes to properties in historic districts but provided relatively little protection to individually designated properties. In 1975, state tax law amendments (*General Statutes of North Carolina*, c. 105, ss. 105-278) provided for deferral of fifty percent of local property taxes on locally designated historic properties.

The enabling legislation was significantly revised in 1979, mainly to make operation of commissions more consistent, to clarify commission procedures, to make local commissions more independent of the State Historic Preservation Office, and to clearly separate the local designation

process from the National Register program. Among the most significant changes were regulation of changes to individually designated historic properties, increase of the period for which demolition of historic properties could be delayed, broadening of preservation to include cultural resources with other than "historic" significance, and requirement that commissions make inventories of historical resources within their jurisdictions.

Also in 1979, the state's eminent domain law was amended to allow local governments to use eminent domain to acquire locally designated historic properties threatened with demolition (*General Statutes of North Carolina,* c. 160A, ss. 160A-241). The Historic Preservation and Conservation Agreements Act also was passed, enabling local governments and private nonprofit organizations to protect privately owned historic properties by acquiring preservation easements or covenants (*General Statutes of North Carolina,* c. 121, ss. 121-34–121-42).

In 1989, the existing enabling legislation was repealed and replaced by *General Statutes of North Carolina,* c. 160A, Part 3C, ss. 160A-400.1–160A-400.14. This legislation renamed historic properties "historic landmarks" and consolidated the formerly separate legislation for historic district and historic properties commissions into a single enabling statute. Commissions that deal with both landmarks and districts were given the name "historic preservation commission."

The new legislation gave historic preservation commissions new powers, including increased power to regulate alterations, demolition, and new construction; to negotiate with owners for acquisition or preservation of properties; and to prepare and recommend official preservation elements in local comprehensive plans. The new legislation also added "prehistorical" to the kinds of significance qualifying properties or districts for designation.

In 1991, amendments to *General Statutes of North Carolina,* c. 160A, ss. 160A-400.14 (a) increased the maximum delay of demolition of landmarks or of properties in historic districts from six months to one year and authorized commissions to delay the relocation of such properties as well.

About Preservation North Carolina

Preservation North Carolina is North Carolina's only statewide private nonprofit preservation organization. Its mission is to protect and promote buildings, landscapes, and sites important to the heritage of North Carolina. Through its award-winning revolving fund, Preservation North Carolina has saved more than 190 endangered historic properties, most of which would otherwise have been lost. Among its other activities are awards, workshops, publications, legislative advocacy, public education, and operation of the Bellamy Mansion in Wilmington and Ayr Mount in Hillsborough. Preservation North Carolina has provided various forms of training and advocacy for preservation commissions since 1975.

About the State Historic Preservation Office

The State Historic Preservation Office is the section of the Division of Archives and History, Department of Cultural Resources, devoted to

archaeology and historic preservation. Pursuant to the *General Statutes of North Carolina*, the office has been active in local preservation training and education for more than twenty years, providing technical and professional assistance, procedural information, and planning assistance to preservation commission members and staff, local governments, and citizens' groups. These activities are part of the programs of the State Historic Preservation Office to identify, protect, and enhance all properties, sites, and resources of historical, architectural, or archaeological significance throughout the state.

The State Historic Preservation Office also oversees the statewide survey of historic and prehistoric sites, administers the National Register of Historic Places program in partnership with the National Park Service, reviews state and federal development projects to determine their effects on the state's cultural resources and to coordinate ways to avoid harm to them, administers the historic rehabilitation investment tax credit program, provides technical restoration assistance, administers a grant program for local preservation projects, and serves as curator for most of the state's archaeological collections.

Acknowledgments

Preparation of this handbook was guided by a steering committee. Committee members from the State Historic Preservation Office were David Brook, administrator; Claudia Brown, head, Survey and Planning Branch; Steve Claggett, state archaeologist; Lloyd Childers, grants administrator and Certified Local Government coordinator; Linda Edmisten, National Register coordinator; and Melinda Wall, preservation planner.

Other committee members were Stephen Cruse, preservation planner, Durham City/County Planning Department; Myrick Howard, executive director, Preservation North Carolina; Doug Johnston, assistant attorney general, Department of State Treasurer; Diane Lea, preservation consultant; Robert Stipe, emeritus professor of design, North Carolina State University School of Design; and Beth Thomas, preservation consultant. In addition, Mitch Wilds, senior restoration specialist, State Historic Preservation Office, reviewed the chapter on design guidelines. The committee thanks Melinda Wall for coordinating its activities.

This handbook was designed and written by Susan Dakin, Ph.D., an independent writing consultant based in Durham, North Carolina, using information provided by the steering committee. It is based in large part on two predecessor manuals prepared by Robert M. Leary and Associates, Ltd., of Raleigh, for Keep North Carolina Beautiful, Inc.: *A Manual for North Carolina Historic Properties Commissions* (second edition, 1985) and *A Manual for North Carolina Historic District Commissions* (1979). The author especially wishes to thank Bob Stipe for his guidance and contributions. His vast experience in preservation law has been a tremendous resource for preservation in North Carolina, and his considerable writings on preservation have been most helpful to the creation of this handbook.

—S.D.

1

The Historic Preservation Commission: An Overview

This chapter provides a general overview of how local historic preservation commissions are established in North Carolina and what they do. The topics introduced in this chapter are explored in more detail in Chapters 2 through 12 of this handbook.

The Commission's Purpose

A historic preservation commission is established by a local governing board (such as a city or town council or a county board of commissioners) to protect and preserve local historical resources. The commission has these main functions:

- To recommend that the local governing board designate properties as historic landmarks.
- To recommend that the local governing board designate areas as historic districts.
- To approve or disapprove applications from property owners who wish to make changes to properties that are locally designated historic landmarks or are in locally designated historic districts, to ensure that inappropriate changes are not made.
- To advise and assist the local government in preservation planning.

A local governing board cannot designate historic landmarks or historic districts unless it has first established a historic preservation commission.

Historic Landmarks and Historic Districts Defined

Local governments may designate individual properties as historic landmarks and groups of properties as historic districts because of their historical, prehistorical, architectural, or cultural significance. To qualify for designation, a property or an area must also show integrity of design, setting, workmanship, materials, feeling, or association. Integrity enables a property or area to convey its significance to the observer; it mainly has to do with the intactness of the property's physical features.

The Difference between Local Designation and National Register Listing

Designation by a local governing board has no direct connection with listing in the National Register of Historic Places. The National Register is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation for their significance in American history,

architecture, archaeology, or culture. It is a federal program administered by the National Park Service in partnership with state and local governments. A historic property or district may qualify for both local designation and National Register listing, but these are separate processes, with different consequences.

Local Historic Landmark Designation

Historic landmark designation applies to individual buildings, structures, sites, or objects. The commission recommends designation, and the local governing board designates the historic landmark by adopting a designation ordinance. Landmark designation has these consequences:

- Owners who wish to make certain kinds of changes to properties designated as historic landmarks must first have their plans reviewed and approved by the commission.
- Owners of designated landmarks may apply for an annual fifty percent local property tax deferral for as long as a property's important historical features are retained.

Local Historic District Designation

Historic district designation is a type of zoning that applies to a group of contiguous properties. The commission recommends designation, and the local governing board establishes the historic district by adopting or amending a zoning or other ordinance.

- As with historic landmarks, owners who wish to make certain kinds of changes to properties in historic districts must first have their plans reviewed and approved by the commission.
- Owners of properties within designated districts are not eligible for property tax deferral unless the individual property is also a designated landmark.
- If the district is also is listed in the National Register of Historic Places or is certified by the National Park Service as meeting National Register standards, owners may be eligible for federal tax credits for rehabilitation of income-producing properties.

How the Commission Is Established

A local governing board may establish a historic preservation commission according to state law by adopting an ordinance. Optionally, a county and one or more cities or towns within that county may establish a joint commission.

State law (*General Statutes of North Carolina*, c. 160A, ss. 160A-400.1–160A-400.14) determines these things:

- The commission's composition and the qualifications of commission members.

- The powers and responsibilities that must or may be delegated to the commission.
- The procedures by which the local governing board designates historic landmarks and/or historic districts.
- The ways in which the commission and the local governing board ensure compliance with ordinances designating historic landmarks and/or districts.

Types of Historic Preservation Commissions

In establishing a historic preservation commission, a local governing board may choose from these options:

- Establish a historic preservation commission, which deals with both districts and landmarks.
- Establish a historic landmarks commission, which deals only with landmarks.
- Establish a historic districts commission, which deals only with districts.
- Designate a local planning board as its historic preservation commission.
- Designate a community appearance commission as its historic preservation commission.

The Ordinance Establishing the Historic Preservation Commission

The ordinance establishing the historic preservation commission must be consistent with state law, which specifies what a commission is required to do or may be allowed to do. The commission must be given certain powers and responsibilities. Other powers are optional; they may or may not be included in the ordinance.

The ordinance describes the following:

- The commission's purpose and composition.
- The commission's powers and responsibilities.
- The criteria and procedures for designating historic landmarks and/or historic districts.
- The procedures for reviewing proposed changes to designated landmarks and/or districts.
- The exterior features of properties that the commission must consider in such reviews.

The ordinance is drafted by the city or county attorney, usually in close consultation with local government officials, the State Historic Preservation Office, and other experts.

Steps in Establishing the Commission

A commission is established by the following steps:

- The local governing board adopts an ordinance establishing the commission and the procedures for designation of historic landmarks and/or districts,

  or, alternatively, the governing boards of the county and one or more cities establish a joint historic preservation commission and the procedures for designation of historic landmarks and/or districts.
- The local governing board appoints the commission members and provides for staff and operations support.

Once established, the commission must do the following as soon as possible:

- Adopt rules of procedure.
- Undertake an inventory of local properties of historical, prehistorical, architectural, or cultural significance.
- Adopt principles and guidelines ("design guidelines") for new construction, alteration, addition, relocation, or demolition affecting historic landmarks or properties in historic districts.

Until the commission adopts rules of procedure and design guidelines, no landmark can be designated, and changes to properties in historic districts cannot be reviewed or regulated. The inventory of properties is needed as a guide for identifying and evaluating potential landmarks and districts.

What the Commission Does

A particular historic preservation commission has only the powers spelled out in the local ordinance establishing the commission. The local governing board can change the commission's powers only by amending the ordinance establishing the commission. The ordinance and any changes must be consistent with state law.

The Commission's Powers and Responsibilities

Every historic preservation commission *must* be authorized to do the following:

- Undertake an inventory of properties of historical, prehistorical, architectural, or cultural interest.
- Prepare (or have prepared) investigative reports on the significance of all properties or groups of properties proposed for designation as historic landmarks or districts.
- Recommend designation of historic landmarks and historic districts by the local governing board.
- Recommend revocation of historic landmark and district designations by the local governing board.

- Review and act on proposals for (1) alteration, relocation, or demolition of designated landmarks or (2) alteration, relocation, demolition, or new construction of properties within designated historic districts.
- Negotiate with property owners who propose to demolish or relocate designated landmarks or significant properties in designated districts, in an effort to find a means of preserving the properties.
- Institute action to prevent, restrain, correct, or abate violations of local historic preservation ordinances.

The local governing board ***may*** also choose to authorize the commission to do these things:

- Negotiate with property owners for acquisition or protection of significant historic properties.
- Acquire, manage, and dispose of properties designated as landmarks or within historic districts, to promote preservation and appropriate public access.
- Restore, preserve, and operate historic properties.
- Conduct an educational program on local historic properties and districts.
- Cooperate with state, federal, and local governments in preserving historic landmarks and districts, including making contracts with governments and other organizations.
- Enter private lands to examine or survey them.
- Prepare and recommend adoption of a preservation element as part of the local government's comprehensive plan.

Additional optional powers of the commission are described in Chapter 2.

Inventory of Local Historical Resources

A commission that deals with landmarks must undertake an inventory of the properties of historical, prehistorical, architectural, or cultural significance within its jurisdiction if no such inventory has already been made. An inventory is strongly recommended for commissions dealing with districts, as well.

This area-wide inventory is needed as a guide for identifying and evaluating potential landmarks and districts and for developing design guidelines. It also forms the basis for developing local preservation goals and a preservation plan. In this preliminary investigation, breadth is more important than depth. The inventory should cover all periods and all types of resources (historical, prehistorical, architectural, and cultural) throughout the area.

Preferably, the local survey should be done in coordination with North Carolina's statewide survey of historical resources to ensure that it yields accurate, comprehensive, and useful information and becomes part of the statewide survey.

The Designation Process

State law specifies procedures by which local governments may designate historic landmarks and historic districts. The local governing board and the commission both have clearly defined roles in the designation process.

Designation of Historic Landmarks

These are the main steps in designating historic landmarks:

- The commission investigates the historical, prehistorical, architectural, or cultural significance of each building, structure, site, or object proposed for designation.
- The commission submits a report of this investigation to the State Historic Preservation Office for review and nonbinding comment.
- An ordinance designating the landmark is drafted by the city or county attorney.
- The commission and the local governing board hold a joint public hearing or separate public hearings on the proposed landmark designation ordinance.
- The commission may recommend that the local governing board adopt or reject the proposed ordinance.
- The local governing board adopts or rejects the proposed ordinance.

Designation of Historic Districts

These are the main steps in designating historic districts:

- The commission investigates the historical, prehistorical, architectural, or cultural significance of the buildings, structures, sites, or surroundings in the proposed district.
- The commission submits a report of this investigation to the State Historic Preservation Office for review and nonbinding comment.
- The commission may recommend that the local governing board adopt or reject the proposed ordinance.
- The local governing board follows its normal procedure to adopt or amend a zoning or other ordinance designating the historic district.

State preservation law does not specify any further procedures for district designation; from this point in the process, district designation is governed by local zoning procedures.

Enforcement of Designation Ordinances

Once a property is designated as a historic landmark or included in a designated historic district, the owner cannot demolish the property, move it, or change its exterior features without a certificate of appropriateness issued by the historic preservation commission.

In some cases, commission approval also may be required for changes to certain interior features of designated landmarks. Commission approval is not required for routine maintenance or for repairs needed for public safety.

The Certificate of Appropriateness

The commission's primary responsibility is to prevent changes to a landmark or in a district that would be incongruous (not in keeping) with the special character of the landmark or district.

An owner proposing changes to a historic landmark or a property in a historic district must apply to the commission for a certificate of appropriateness. Proposed changes requiring a certificate of appropriateness include alteration, restoration, construction, reconstruction, relocation, or demolition of buildings, other structures, or outdoor advertising signs.

The ordinance establishing the commission specifies the exterior features for which changes must be approved. These must include the property's architectural style, general design, and general arrangement, including these features:

- Kind and texture of building material.
- Size and scale of building.
- Type and style of all windows, doors, light fixtures, signs, and other appurtenant features.
- Style, material, size, and location of outdoor advertising signs.

The ordinance may also require approval of changes in color or in the area's significant landscape, archaeological, or natural features.

In reviewing an application for a certificate of appropriateness, the commission must do the following:

- Follow its established rules of procedure and design guidelines.
- Notify other property owners potentially affected by the proposed change.
- Give the applicant and other potentially affected property owners an opportunity to be heard.

The commission usually holds a public hearing on the application. It may also view the property or seek expert advice.

The commission must issue or deny a certificate of appropriateness within the time specified in the ordinance establishing the commission. No building permit or other permit for the proposed changes can be issued until the certificate of appropriateness has been approved.

Delay of Demolition or Relocation

When a property owner wants to demolish or relocate a historic landmark or a building in a historic district, the commission cannot deny a certificate of appropriateness for the demolition or relocation. However, the commission may delay demolition or relocation for up to one year. During this time, the commission must negotiate with the owner and others to try to find a way to preserve the property.

State law makes an exception for demolition or relocation of properties determined by the State Historic Preservation Officer to have statewide significance. The ordinance establishing the commission may give it the power to deny a certificate of appropriateness for demolition or relocation of such a property.

Appeals

Anyone may appeal a decision of the commission to the local zoning board of adjustment. In an appeal, the board of adjustment only reviews the record of the commission's decision; it does not hear any new evidence. If evidence exists in the record to support the commission's decision, the board of adjustment must affirm the decision. Further appeals may be taken to the county superior court.

Violations

If a designated landmark or a property in a historic district is or is about to be altered, removed, or destroyed, and the owner has not obtained or complied with a certificate of appropriateness, the commission may seek a court order to prevent or correct the unlawful act. Remedies may also include fines and jail sentences.

Preservation Planning

The local governing board may involve the historic preservation commission in developing a long-range preservation plan. The preservation plan may be officially adopted as an element of the local government's comprehensive plan, giving it equal status with other comprehensive plan elements, such as land use, housing, and transportation.

A preservation plan identifies and evaluates local historical resources, describing the locality's general historical background and specific historic areas and properties. It also identifies the need for further surveys. It establishes preservation goals and policies, proposes strategies for preservation of specific areas and properties, and recommends priorities for preservation activities.

The commission's inventory of local historical resources provides information needed to develop local preservation goals and a preservation plan. Completion of this inventory is the first step in developing a preservation plan.

Public Education and Public Relations

The historic preservation commission may be authorized to conduct an educational program on local historic landmarks and districts. Such a program might include, for example, slide shows, a speakers' bureau, brochures, a newsletter, an awards program, or media publicity campaigns.

In addition, the commission should cultivate relationships with owners of historic properties, both to keep them informed of changes in procedures and design guidelines and to foster cooperation between the commission and property owners.

Acquisition and Management of Historic Properties

The historic preservation commission may be authorized to acquire, dispose of, restore, preserve, manage, and operate historic landmarks or properties in historic districts. The local governing board may make funds available to the commission for these preservation activities. The commission also may obtain funds independently, through grants, private donations, or other fund-raising activities, subject to local government fiscal control requirements.

The commission may acquire any kind of legal interest in a property. If the commission owns a property, it may sell it, lease it, or exchange it under restrictions, such as protective covenants, ensuring that the property will be preserved and appropriate public access maintained.

Commission Procedures and Operations

As a quasi-judicial body (one that hears evidence, determines relevant facts, and applies the law), a historic preservation commission must operate in ways that protect the legitimate interests of property owners under the U.S. and state constitutions and state law. The commission must establish and follow proper procedures for its decisions and actions.

Staff support is essential to ensure the commission meets its legal responsibilities. The local governing board can appropriate the funds to establish and operate the commission. The commission may also be authorized to accept funds from other sources and to enter into contracts with governments and other organizations to engage in preservation activities. The commission must comply with the local government fiscal control act in accepting and using funds.

Rules of Procedure

The commission's procedures must be in accordance not only with state historic preservation law and the local ordinance establishing the commission but also with the rules developed by the North Carolina Supreme Court for all quasi-judicial bodies to ensure due process and equal protection.

In describing how the commission fulfills its responsibilities, the rules of procedure should spell out procedural details not covered in the ordinance establishing the commission. The rules should describe the commission's jurisdiction and the duties of commission members and officers. They also should specify procedures for these activities:

- Scheduling and conduct of meetings.
- Voting and election of officers.
- Recommendation of designation.
- Recommendation that designation be revoked.
- Application for a certificate of appropriateness.
- Review of applications for certificates of appropriateness.

- Modification and reconsideration of applications.
- Appeals from commission decisions.
- Record keeping and reporting.
- Amendment of the rules of procedure.

Once adopted, the rules must be followed strictly, to ensure that the commission's actions comply with all applicable laws.

Design Guidelines

The commission must establish design guidelines covering each exterior feature for which it is required to review proposed changes. These features are the ones listed in the ordinance establishing the commission. The commission and property owners use the design guidelines to determine whether proposed changes to properties are incongruous (not in keeping) with the special character of the landmark or district. When reviewing applications for certificates of appropriateness, the commission must apply its established design guidelines.

The design guidelines should be made publicly available, so that property owners know in advance what sorts of changes may be considered incongruous.

The Commission's Place in Local Government

In fulfilling its responsibilities, the commission should cooperate closely with local government officials, especially the city or county attorney, the planning director, the building inspector, the zoning administrator, the publics works director, and the county tax supervisor. These people should be consulted about all commission actions in which they will be involved or in which their knowledge is useful.

Staff Support

Clerical and administrative support and technical assistance can be provided by paid staff members assigned to the commission (usually from the planning department). The commission also may need to hire consultants with special expertise.

Staff support and consulting needs will depend on the scope of the commission's activities. For instance, a commission that manages and operates historic properties will need more staff support than a commission not involved in this kind of preservation activity.

Some commission tasks can be done by volunteers or commission members. However, the commission should keep in mind that it is a regulatory body with specific legal responsibilities. Legally required tasks, many of which are clerical, are best assigned to paid staff members. Volunteer assistance is best used for special projects, rather than regular operational tasks.

2

Establishment of the Commission

In North Carolina, local governments have only the powers and responsibilities specifically authorized by the N.C. General Assembly. The state law authorizing local governments to preserve, protect, and regulate local historical resources is given in *General Statutes of North Carolina*, c. 160A, ss. 160A-400.1–160A-400.14, which provides for establishment of historic preservation commissions and for the designation of historic landmarks and districts.

The local governing board may establish a historic preservation commission by adopting an ordinance. The ordinance establishing the commission must be consistent with state law, which specifies the composition, powers, and responsibilities of a historic preservation commission.

Optionally, the local governing boards of a county and one or more cities or towns within the county may establish a joint historic preservation commission by adopting a joint preservation ordinance or through an interlocal agreement.

Types of Historic Preservation Commissions

In establishing a historic preservation commission, a local governing board may choose from these options:

- Establish a historic preservation commission, which deals with both districts and landmarks.
- Establish a historic landmarks commission, which deals only with landmarks.
- Establish a historic districts commission, which deals only with districts.
- Designate a local planning board as its historic preservation commission.
- Designate a community appearance commission as its historic preservation commission.

This handbook uses the term "historic preservation commission" in a general sense to refer to any and all of these types of commission.

The ordinance establishing the commission also can authorize the historic preservation commission (or historic districts commission) to function as a planning board or a community appearance commission within any historic districts the local governing board designates.

The Ordinance Establishing the Commission

The ordinance establishing the commission describes these things:

- The commission's purpose and composition.
- Requirements for commission meetings, attendance, and administration.
- The commission's powers and responsibilities.
- The criteria and procedures for designating historic landmarks and/or historic districts.
- The procedures for reviewing applications for certificates of appropriateness (that is, review of proposed changes to exterior features of designated landmarks or properties within designated districts).
- The exterior features that the commission must consider in such reviews.
- The circumstances under which the commission may review proposed changes to interior features of designated landmarks.
- The procedures for appeals from the commission's actions.
- The ways in which conflict with other laws is to be resolved.

The ordinance should be specific and detailed, to prevent later confusion or disagreement over its interpretation. To ensure that the ordinance conforms with state law, it should use the language of the state enabling legislation wherever possible.

The ordinance is drafted by the city or county attorney, usually in close consultation with the local government's elected officials and staff, the State Historic Preservation Office, and other experts.

The Commission's Purpose

According to state law, historic preservation commissions are established so that local governing boards can

- "safeguard the heritage of the city or county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory" and
- "promote the use and conservation of such district or landmark for the education, pleasure, and enrichment of the residents of the city or county and the State as a whole."

Should the ordinance or the commission's actions be legally challenged, a clear statement of purpose in the ordinance will be useful to the court.

The Commission's Composition

The ordinance establishing the commission must specify the size of the commission, the qualifications required for commission membership, the procedure by which the local governing board appoints commission members, and the length of commission members' terms.

State law establishes the following requirements for the membership of historic preservation commissions:

- A commission must have at least three members.
- A commission member's term can be no more than four years.
- The majority of commission members must have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
- All commission members must reside within the territorial jurisdiction of the local governing board.

The local governing board may establish additional requirements, such as more-detailed membership qualifications or a limit on the number of terms a commission member may serve.

Commission Size

A commission must have at least three members. A membership of five, seven, or nine generally works best. Having an odd number of members helps prevent tie votes. A membership of three is too small to cover absences, and a membership of more than nine can be unwieldy.

Commission Members' Terms

A commission member's term can be no longer than four years. In addition to setting the term length, the ordinance should specify how many consecutive terms a member may serve and whether terms will be staggered.

In setting terms, the local governing board should try to strike a balance between the need for continuity of board membership and the need for periodic infusion of new ideas. Too-rapid turnover of board membership means that members spend too much of their terms learning about their duties and "getting up to speed" to be optimally effective. On the other hand, too-slow turnover can result in stagnation.

If commission members' terms are long (three or four years), the ordinance might limit members to two consecutive terms, with a waiting period of one or two years before reappointment. If terms are shorter, more consecutive terms might be permitted. In jurisdictions with relatively small populations and a small pool of qualified potential commission members, term restrictions might pose a problem.

A good way to ensure continuity within the commission is to stagger commission members' terms, so that not all expire at once. For example, an ordinance establishing a seven-member commission with four-year terms might state that when the commission was initially established, four members would be appointed to four-year terms and three members to two-year terms; thereafter, new members would be appointed to four-year terms.

Qualifications for Commission Membership

The majority of commission members must have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. If a local governing board chooses to designate its planning

board or community appearance commission as a historic preservation commission, at least three of the members must have this demonstrated special interest, experience, or education.

State law does not tell the local governing board how to judge whether potential commission members "have demonstrated special interest, experience, or education" in the relevant fields. Thus, the local governing board has considerable discretion in commission appointments.

Nonetheless, whenever interested professionals in the fields of historic preservation, architecture, history, architectural history, planning, or archaeology are available, the local governing board should seek their participation on the commission. Other people with relevant interest and expertise might include members of local historical or preservation societies, art historians, landscape architects, or lawyers.

It is helpful to keep on file a biographical sketch of each commission member, indicating any special interest, expertise, or training. A list might also be maintained of professionals in relevant fields who reside in the community, as well as community residents who have expressed interest in serving on the commission or who have been suggested by others. This list can provide a pool of potential commission members, consultants, or volunteers.

Residence Requirements

All commission members must reside within the territorial jurisdiction of the local governing board.

This requirement is especially pertinent for commissions established by county governing boards. If a county establishes a commission, the members must reside within the county's territorial jurisdiction, which usually excludes incorporated cities and towns and their extraterritorial jurisdiction. Some cities and towns, however, have requested that the county exercise zoning authority within their corporate limits and extraterritorial jurisdiction. In such cases, people living in the city or town may serve on the preservation commission. The guidance of the county attorney should be sought in determining the county's territorial jurisdiction.

If a city or town governing board requests that the county exercise the powers of the county's historic preservation ordinance within the city's or town's corporate limits and extraterritorial jurisdiction, the county may do so. In such cases, people living in the city or town may serve on the preservation commission.

If a county and one or more of its cities or towns establish a joint historic preservation commission, the local governing boards involved must jointly determine the residence requirements for commission members. That is, the local governing boards must jointly determine how many members must reside in each of the territorial jurisdictions covered by the commission.

Requirements for Meetings, Attendance, and Administration

The ordinance establishing the commission should state how often the commission must meet and that all meetings will be in accord with the N.C. Open Meetings Law, *General Statutes of North Carolina*, c. 143, a. 33C.

The ordinance should establish attendance requirements for members, so that the commission's work is not hampered by inactive members. The ordinance might provide for replacement of commission members who miss a certain number of consecutive meetings or more than a certain percentage of meetings in a calendar year without approval or without advance notice.

The ordinance should require the commission to adopt rules of procedure, to report to the local governing board on its activities and budget, and to make records of its findings, recommendations, and actions available to the public. It is advisable to require a formal report from the commission at least annually.

The Commission's Powers and Responsibilities

The ordinance establishing the commission must spell out all powers and responsibilities delegated to the commission. A historic preservation commission has only the powers listed in this ordinance. Whenever there is any doubt as to whether the commission is authorized to take a particular action, the commission should seek the advice of the city or county attorney.

By state law, certain powers and responsibilities *must* be given to every historic preservation commission. These are mainly powers and responsibilities related to the inventory of historical resources, designation procedures, and the commission's review of proposed changes to exterior features of designated landmarks or properties within designated districts.

On the other hand, some powers allowed by state law are optional; the local governing board may choose to give them to the commission. The commission cannot be given any powers or responsibilities not specified in the state enabling legislation.

Most of the commission powers and responsibilities listed below are discussed in more detail in other chapters of this handbook.

Required Powers and Responsibilities

Every historic preservation commission must be authorized by the local governing board to do the following:

- Organize itself and conduct its business.
- Receive and spend funds appropriated by the local governing board for operation and performance of its duties.
- Undertake an inventory of properties of historical, prehistorical, architectural, or cultural interest.
- Recommend to the local governing board that individual properties be designated as historic landmarks and/or that areas be designated as historic districts.

- Recommend that the local governing board revoke historic landmark and/or district designations.
- Once the local governing board has designated a historic landmark or district, review and act on proposals for (1) exterior alteration, relocation, or demolition of landmarks or (2) exterior alteration, relocation, demolition, or new construction of properties within historic districts.
- Negotiate with property owners who propose to demolish or relocate designated landmarks and/or significant properties in designated districts, in an effort to find a means of preserving the properties.
- Institute action to prevent, restrain, correct, or abate violations of the ordinance establishing the commission or of ordinances designating historic landmarks or districts.

Optional Powers and Responsibilities

The local governing board may also choose to authorize the commission to do these things:

- Enter private lands to examine or survey them, at reasonable times and with the consent of the owner or occupant, in order to perform its official duties.
- Review and act on proposals for alteration of interior features of historic landmarks if such features are specified in the designation ordinance.
- Appoint advisory bodies or committees as appropriate.
- Negotiate with property owners for acquisition or protection of significant historic properties.
- Acquire, manage, and dispose of properties designated as landmarks or within historic districts.

  If the commission is authorized to acquire property, the ordinance should also specify whether the local government or the commission will have ownership of property the commission acquires.
- Restore, preserve, and operate historic properties.
- Accept grants of funds from private individuals or organizations for preservation purposes.
- Conduct an educational program on historic properties and districts within its jurisdiction.
- Inform the public about matters related to historic preservation.
- Advise property owners about treatment of historical characteristics of their properties.
- Cooperate with state, federal, and local governments on matters related to historic preservation, including making contracts with governments and other organizations (provided that these are not inconsistent with state or federal law).
- Prepare and recommend adoption of a preservation element as part of the local government's comprehensive plan.

Changes in the Commission's Powers and Responsibilities

The local governing board may change a commission's powers by amending the ordinance establishing the commission. Such changes must be consistent with state law.

Criteria and Procedures for Landmark and District Designation

The ordinance establishing the commission specifies the procedures by which the local governing board designates historic landmarks and historic districts. It also states the criteria for determining whether properties are eligible for landmark designation and whether areas are eligible for district designation.

Procedures for Review of Applications for Certificates of Appropriateness

The ordinance establishing the commission must include a requirement that a property owner wishing to make specified kinds of changes to a property designated as a landmark or within a designated district first apply to the commission for a certificate of appropriateness.

The ordinance must specify these things:

- The kinds of changes for which a certificate of appropriateness is or is not required.
- The procedure for applying for a certificate of appropriateness.
- The procedure for commission review of applications for certificates of appropriateness, including time limits and requirements for notification and record keeping.
- The features the commission will consider in determining whether proposed changes are incongruous with the special character of the landmark or district.
- Provisions for delay of demolition or relocation of historic properties and negotiation with owners for preservation of properties.
- The procedure for appeal from the commission's action in granting or denying a certificate of appropriateness.

Resolution of Conflict with Other Laws

The ordinance establishing the commission should include provisions to integrate the historic preservation mechanism with other laws that affect historic landmarks and districts.

The ordinance should state that whenever there is a conflict between the ordinance establishing the commission and another law, the law requiring the longer waiting period or the higher standards will apply.

The ordinance also may include a provision that removes legal obstacles to authentic restoration or reconstruction of historic properties or retention of a district's special character. For example, if local zoning imposes use or

dimensional requirements (such as setback or side-yard requirements) incongruous with the special character of a historic landmark or district, the ordinance may state that such requirements may be waived for historic landmarks or for properties within historic districts.

What a Newly Established Commission Must Do

Once established, the commission should do the following as soon as possible:

- Adopt rules of procedure.
- Undertake an inventory of local properties of historical, prehistorical, architectural, or cultural significance.
- Adopt design guidelines for reviewing the appropriateness of alteration, addition, relocation, demolition, or new construction affecting historic landmarks or properties in historic districts.

Until the commission adopts rules of procedure and design guidelines, no landmark can be designated, and changes to properties in historic districts cannot be reviewed or regulated.

The Certified Local Government Program

The Certified Local Government (CLG) Program is a federal program, administered by the State Historic Preservation Office, under which local governments may be certified to participate in the national framework of historic preservation programs. The certification procedure is established by the state.

Benefits of CLG Status

Local governments and local commissions benefit from being CLGs in these ways:

- Each CLG is eligible to compete for a portion of the money the State Historic Preservation Office receives from the federal Historic Preservation Fund.
- CLGs review all new nominations to the National Register of Historic Places for properties and districts within their boundaries, thus sharing their local expertise with state and federal preservationists and gaining a say in state and federal recognition of historical resources in their areas.
- CLGs are encouraged to expand the expertise of their commission members and must provide for their continuing education, thus increasing the expertise and knowledge of local preservationists.

To be eligible to compete for grant funds earmarked for CLGs, a government must have functioned satisfactorily as a CLG for a year. Grants have a matching requirement and are for projects that can be completed in twelve to eighteen months. The following types of projects are eligible:

- Architectural or archaeological survey.
- Preparation of National Register nominations.
- Preservation planning.
- Development of design guidelines.
- Development of architectural or engineering plans or feasibility studies.
- Physical restoration and stabilization, in a limited number of cases.

Qualification as a CLG

To qualify for CLG certification in North Carolina, local governments must do the following:

- Have an active and legally adequate historic preservation commission, with a designated paid staff person.
- Enforce appropriate state or local legislation for the designation and protection of historic properties.
- Maintain a system for the survey and inventory of historic properties compatible with the statewide survey.
- Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for the National Register of Historic Places.
- Satisfactorily perform responsibilities delegated to it under the 1966 National Historic Preservation Act, as amended.

Most North Carolina communities with historic preservation, historic landmarks, or historic districts ordinances containing the provisions of the state enabling legislation are eligible for certification. Information on application for Certified Local Government status is available from the CLG coordinator in the State Historic Preservation Office.

May Hosiery Mill, Burlington. Located in the Downtown Burlington National Register Historic District, the mill was for many years sheathed in metal. After the metal was removed, the Burlington Historic Preservation Commission encouraged the owner to restore the original decorative facade.

White-Holman House, Raleigh. A locally designated landmark, the White-Holman House dates from the founding of Raleigh in the late eighteenth century. After its original site was cut in half in a street-widening project, the Raleigh Historic Properties Commission worked with a local nonprofit preservation organization to move the house a short distance. This house now helps to frame the eastern approach to the Capitol.

3

Rules of Procedure

As soon as a historic preservation commission is established, it must adopt rules of procedure. The rules of procedure describe how the commission operates; they are like an organization's bylaws. Until the commission has adopted rules of procedure, no landmarks can be designated, and proposed changes to properties in historic districts cannot be reviewed or regulated.

For its actions to be valid and legally defensible, a commission must follow its own rules strictly. Furthermore, these rules must comply with state statutes and the local ordinance establishing the commission. Basic formalities should be observed at every commission meeting, including notification of the public, keeping of minutes, and requirement of a quorum for votes. A commission that conducts its affairs in a consistent, orderly manner will inspire public confidence and good community relations, even when it faces controversial decisions.

The Legal Need for Rules of Procedure

A historic preservation commission functions both as an advisory body to the local governing board and as a quasi-judicial body that makes decisions about proposed changes to landmarks or to properties in historic districts. (A quasi-judicial body is one that hears evidence, determines relevant facts, and applies the law.) In its advisory and quasi-judicial roles, the commission exercises significant control over the property rights of owners. It must proceed in a way that ensures that property owners and other citizens are treated fairly and equally.

The commission is acting ***in an advisory capacity*** when it recommends designation of landmarks or districts, or revocation of designation, by the local governing board. In turn, these decisions by the governing board determine whether a property owner gains a property tax advantage or is subject to a property tax penalty, and whether a property owner must obtain commission approval before making changes to his or her property. The governing board bases its decisions about designation and revocation largely on the soundness of the commission's recommendations, which must be procedurally correct.

Once a landmark or district is designated, the commission acts ***as a quasi-judicial body*** when it reviews and decides on applications for certificates of appropriateness from property owners who wish to make changes to landmarks or to properties in historic districts.

Procedural safeguards are needed to ensure that the commission applies its authority evenly and to protect the rights of individuals, as required by the due process and equal protection clauses of the U.S. Constitution, by

equivalent language in the North Carolina Constitution, and by the *General Statutes of North Carolina*. The commission's procedures must conform with the rules developed by the North Carolina Supreme Court for all quasi-judicial bodies to ensure due process and equal protection. These are the same rigorous standards and rules that must be followed by such bodies as city councils and boards of adjustment.

The commission's rules of procedure must also conform with the state historic preservation enabling legislation and the local ordinance establishing the commission. Actions of the commission contrary to these laws will almost certainly be invalidated if challenged.

What the Rules Should Cover

The rules should include all procedures required by the ordinance establishing the commission and also should spell out additional procedural details not covered in the ordinance. The ordinance and the rules of procedure thus overlap somewhat; however, the rules of procedure usually describe procedures in more detail.

The rules should describe the commission's purpose and jurisdiction and the procedures for the following activities:

- Selection of officers and duties of members and officers.
- Scheduling and notice of meetings and hearings.
- Conduct of business at meetings.
- Recommendation of designation of historic landmarks and/or districts.
- Recommendation that designation be revoked.
- Application for a certificate of appropriateness and review of applications.
- Appeals from commission decisions.
- Record keeping and reporting.
- Amendment of the rules of procedure.

Procedures for conduct of meetings and public hearings must conform with the North Carolina Open Meetings Law (*General Statutes of North Carolina*, c. 143, a. 33C). In addition to the laws and rules governing commission procedure, the commission may consult *Robert's Rules of Order* for details of standard meeting procedures. The following guidelines should be followed in establishing rules of procedure.

Members and Officers

Each new commission member must take an oath of office before serving on the commission. Attendance requirements for commission members, the procedures for dismissing inactive commission members, and the procedures for filling vacated positions should be spelled out.

The rules should list all the officers of the commission and describe their duties. The schedule and procedures for election or appointment of officers and committee chairs should be spelled out.

Every commission needs at least a chair, a vice-chair, and a secretary. Often, the secretary is a staff member, rather than a commission member; in addition to taking minutes and handling correspondence, this person oversees the commission's office support.

Scheduling and Notice of Meetings and Hearings

All official meetings and hearings of the commission and any of its committees must be open to the public. The rules should give procedures for scheduling meetings and hearings and for notifying the public and all affected parties.

Official Meetings

An "official meeting" is one in which a majority of the commission members meet to conduct hearings or to deliberate or vote on matters before the commission. Informal or social commission meetings are allowed but cannot be used to evade the spirit of the Open Meetings Law. All public business of the commission must be transacted at official commission meetings.

Public Hearings

To ensure a thorough hearing of all points of view on a matter before the commission, the general public may be notified and given an opportunity to be heard at a public hearing. For some commission actions, a public hearing is required; for others, it is optional.

At a public hearing, a record is made of the views expressed at the hearing and of the people expressing them. The commission may then base its decision on the information presented in the hearing in addition to all other available information. Public hearings usually are held near the beginning of regular or special commission meetings, after which the commission continues with other items of business.

Landmark Designation. The commission and the local governing board must hold a joint public hearing or separate public hearings on a proposed ordinance to designate a landmark. State law specifically names the commission as the body that must find that a proposed landmark possesses the special significance and integrity required for designation. The local governing board then makes the final decision based on the hearing, all other available information, and the findings of the commission.

District Designation. The commission is not legally required to hold a public hearing on a proposed district designation, because the local governing board makes such designations by adopting or amending a zoning ordinance, a process that requires the local planning board and governing board to hold public hearings. The commission may, however, hold a public hearing to help it decide whether to recommend designation of a proposed district.

Certificates of Appropriateness. Before making a decision on an application for a certificate of appropriateness, the commission is required to notify owners of any properties likely to be materially affected by the application and give the applicant and other affected property owners an opportunity to be heard.

The commission should seek the guidance of the city or county attorney in determining whether materially affected property owners include the owners of adjoining properties, all property owners in a historic district, or the entire citizenry. Many commissions hold a formal public hearing for every application to help ensure that their decisions are not vulnerable to due-process challenges.

Scheduling of Meetings

The commission should establish a regular day of the month, time, and place for its official meetings. A regular schedule makes it easier for interested citizens to attend. Public participation is encouraged by holding meetings in public spaces such as city or town halls, public libraries, or public schools.

The ordinance establishing the commission may specify a minimum number of meetings per year (such as monthly or quarterly meetings). The commission may choose to hold regular meetings more often than required by law, and it may schedule extra meetings as necessary. The rules should specify procedures for cancelling or rescheduling meetings and for calling special meetings.

Public Notice of Meetings

The commission must comply with state and local requirements for public notice of regular, rescheduled, special, and emergency meetings and cancellation of meetings. The rules should state the procedures for giving reasonable notice of commission meetings to the public, to applicants, and to other parties potentially affected by matters to be considered at the meeting.

The commission may encourage public participation by publicizing its meetings more aggressively than required by law, through the local news media and by posting notices in public places.

Electronic Meetings

Any official meeting held by conference telephone or other electronic means must be open to the public. The commission must provide a place and a means by which members of the public can listen to the meeting, and it must notify the public of this opportunity. Listeners may be charged a fee to help defray the cost of the location and equipment.

Conduct of Meetings and Hearings

The rules should establish the following aspects of meeting conduct:

- The order of business for meetings and hearings.
- Procedures for hearing of evidence.

- Procedures for voting.
- Provisions for holding an executive session, from which the public may be excluded.

These and other considerations in conduct of meetings are discussed below. The box on this page provides tips on preparing for commission meetings.

Public and Media Attendance at Open Meetings

Any person may attend an open meeting of the commission. Any radio or television station may broadcast all or any part of an open meeting, and any person may photograph, film, or tape-record any part of an open meeting. The commission may regulate the placement and use of cameras and other equipment so that it does not interfere with the meeting.

Preparation for Meetings and Hearings

Before a meeting, the commission chair should determine whether a quorum will be present. If not, the chair should reschedule the meeting. The chair should determine an agenda for each meeting and should ensure that commission members will have visited any properties scheduled for discussion.

The chair should check with the secretary to be sure the following preparations have been made:

- ✔ The commission members, the public, the news media, and any parties affected by matters before the commission have been notified of the meeting.
- ✔ The agenda and other materials (such as staff reports and minutes of the previous meeting) have been mailed to commission members in advance.

The chair should ensure that the meeting room and any necessary materials and equipment are available and set up appropriately. Most meetings will require the following:

- ✔ Nameplates identifying the commission members.
- ✔ Seating for applicants, media representatives, and the general public.
- ✔ Copies of the meeting agenda and the minutes of the previous meeting.
- ✔ A Bible, for oaths.
- ✔ Maps, photographs, or slides showing properties under discussion.
- ✔ Projection equipment, checked to verify working order.
- ✔ A tape recorder, for minutes, checked to verify working order.

Everyone present at a meeting must be able to hear the speakers. Depending on the size and acoustics of the meeting room, a public address system may be necessary.

Adapted from Robert Stipe's "Chairman's Checklist for Preparing and Conducting a Meeting."

Order of Business

The rules of procedure should outline the normal order of business for an official commission meeting, such as the following:

- Roll call. Excused absences should be noted, and the presence of a quorum checked.
- Reading of the minutes of the previous meeting. The chair asks for corrections or additions, and the commission adopts any changes.
- Reports of committees.
- Unfinished business. The commission takes action on each item.
- Consideration of applications for certificates of appropriateness (see Chapter 8 for procedural guidelines).
- Other new business. The commission takes or defers action on each item.
- Motion for adjournment.

Reference to Matters Before the Commission

In their discussions or votes, commission members may not refer to matters before them by any kind of code, such as a letter, number, or other designation, in such a way that people attending the meeting cannot understand what is being discussed or voted on. Matters may be discussed or voted on by reference to an agenda, as long as copies of the agenda, clearly describing the matters, are available to the public at the meeting.

Hearing From Property Owners

The principle of due process requires that whenever the commission is considering action that will directly affect the property rights of individuals, those individuals must be notified and given a fair hearing before the commission. According to the North Carolina Supreme Court, property owners must have the "opportunity to offer evidence, cross-examine adverse witnesses, inspect documents, and offer evidence in rebuttal." In short, property owners must be given a full chance to present their views to the commission and to respond to the views of others.

Swearing of Witnesses

According to the North Carolina Supreme Court, a quasi-judicial body "may not base findings as to the existence or nonexistence of crucial facts upon unsworn statements." The commission should swear all witnesses, including individuals wishing to speak for or against a proposed landmark or district designation at a public hearing.

It is easiest to administer the oath at the same time to all persons interested in speaking on a matter before the commission. The commission chair or secretary holds the Bible and repeats the oath while any interested parties stand with right hands raised; the parties need only say "Yes" or "I do."

Standards for Evidence

The commission should develop findings of fact based only on competent, material, and substantial evidence:

- "Competent" evidence is evidence supported by factual data.
- "Material" evidence is evidence that addresses the issue being decided.
- "Substantial" evidence is sufficient relevant evidence "as a reasonable mind might accept as adequate to support a conclusion."

Although a court will not hold a historic preservation commission to the same standards of evidence that would apply at a trial, the commission should still take great care that its decisions are well founded. The commission must explicitly reject evidence that does not meet these standards, such as hunches, speculation, rumors, and irrelevant information. The record should show that such evidence was rejected and that it was not a basis for the commission's decision.

Control of Discussion

It is the responsibility of the commission chair to ensure that the discussion stays on the subject at hand and that speakers do not abuse their opportunities to speak. For example, the chair should ensure that witnesses do not harass each other and do not use the opportunity for rebuttal of evidence merely to restate their original positions.

Statement of the Basis for Decisions

The commission's decisions must be supported by written findings of fact. The commission should state the facts on which a decision is based in enough detail and in terms specific enough that the property owner, other parties, and reviewing bodies will understand why the commission decided as it did. This explanation not only forms part of the record, but also provides the property owner with an explanation of the commission's actions.

Voting

The rules should specify who is qualified to vote on matters before the commission, what constitutes a quorum, and how tie votes will be resolved. The commission may not vote by secret ballot. If written ballots are used, they must be signed, and the minutes must record the vote of each member. The ballots must be available for public inspection immediately after the meeting and until the minutes are published.

Safeguards must be provided against bias or conflicts of interest. A conflict exists when

- a commission member is personally involved in a matter before the commission or
- a commission member—or his or her family, employer, or business associate—has a financial interest in a matter before the commission.

Commission members must disclose any real, apparent, or potential conflicts of interest before the hearing of any application. Conflicts of interest may be personal or financial, and they may be direct or indirect, involving the families, employers, or business associates of commission members.

Commission members should withdraw from consideration of each case in which there is even a hint of a conflict of interest. Withdrawal may be initiated by the commission member or ordered by the chair. The minutes should record the reason for withdrawal. The commission member should leave the table and sit among the public, and should not speak on any matter unless sworn.

Commission members should not discuss matters before the commission outside of commission meetings, except as authorized.

The rules also should contain safeguards against commission members voting on matters on which they are not well informed. Commission members should be required to familiarize themselves with all relevant laws and rules of procedure. They should be prohibited from voting on matters unless they have attended the commission meetings and hearings on those matters or have been adequately briefed on the discussions they missed.

Executive Sessions

The rules should specify the circumstances under which the commission may hold an executive session, excluding the public from certain kinds of discussions and decisions. The Open Meetings Law lists the purposes for which public bodies are allowed to hold executive sessions; some of these may apply to a historic preservation commission. For example, executive sessions may be held for these purposes:

- To consider acquisition or leasing of interest in real property. (However, final authorization to acquire or lease must be given at an open meeting.)
- To consider employment, performance, or discharge of public employees or independent contractors. (However, action in employment or discharge of a public employee or an independent contractor must be taken at an open meeting.)
- To consult with an attorney, to the extent that confidentiality is required by legal ethics.
- To consider information that by state or federal law must be kept confidential.

Recommendation of Designation (or of Revocation)

The rules should establish the procedure by which the commission decides whether to recommend designations or revocation of designations. Each recommendation to the local governing board should be supported by written findings of fact, clearly stating the reasons for the recommendation and the evidence on which the commission's actions are based.

The commission may also provide for informal consultation with owners of potential landmarks or of properties that would be affected by proposed district designations.

Application for a Certificate of Appropriateness and Review of Applications

The procedure by which a property owner applies for a certificate of appropriateness for proposed changes to a historic landmark or to a property within a historic district should be spelled out in detail in the rules of procedure. The rules may also provide for informal consultation between the property owner and the commission before the property owner makes an application, so that the commission can advise the property owner on design issues.

The rules should state the procedure by which the commission reviews applications for certificates of appropriateness, including the time limit for the commission's decision, ways in which the commission may obtain facts about the application, provision for public hearings on applications, and the order of business for considering an application. Procedures also should be given for issuing certificates of appropriateness, notifying applicants whose applications are denied, modifying pending or approved applications, and reconsidering denied applications.

Procedures for application for certificates of appropriateness and review of applications are discussed in detail in Chapter 8.

Appeals from Commission Decisions

The rules should establish the time limit and procedure for appeals from commission decisions to the board of adjustment. It is important to note that the board of adjustment reviews only the *written* record of the commission's decision. It bases its decision entirely on review of the record, making its own independent determination of whether the commission acted properly. It may not reopen or rehear the case.

Record Keeping and Reporting

Record keeping is an especially important aspect of procedure. In particular, the commission's quasi-judicial actions must be documented at every step. The commission must keep detailed minutes of its meetings—the minutes are the official public record of what happened at a commission meeting. For ease of reference and to help ensure completeness, the commission should adopt a standard format for minutes.

The minutes of commission meetings should cover the following points:

- The time and place of the meeting.
- The names of those in attendance and the names of absent commission members.
- A summary of evidence presented to the commission on each matter, indicating whether witnesses were sworn.

- A summary of the discussion of each matter.
- The verbatim wording of each resolution or recommendation considered or voted on.
- The reasons for each action taken by the commission.

Tape-recording the meetings helps ensure that the minutes are complete and accurate. If the secretary plans to work from a tape, he or she need not take detailed notes during the discussion, but must be sure that each speaker is identified. Each speaker should state his or her name before each set of remarks, so that it is on the tape, and the secretary should make a note of the sequence of speakers. A useful method is to note the speaker's name and first few words each time a new speaker starts.

If a meeting has addressed a controversial matter, the secretary should keep the tapes of the meeting until the time limit for appeal from the commission's action has elapsed.

The minutes should be not a verbatim transcript of the entire meeting, but a summary that eliminates digressions and repetition and organizes the information and views presented into a logical sequence. However, the following must be reported verbatim:

- The commission's findings of fact.
- The commission's resolutions or recommendations.
- Points of discussion where people's exact words seem crucial or were the subject of debate.

In addition to keeping minutes, the commission should submit periodic reports to the local governing board. Reports should be at least annual and should summarize the commission's activities, accomplishments, and budget.

Amendment of the Rules of Procedure

The rules should include a procedure by which they can be amended, within the limits allowed by law. Such amendments are made by the commission itself. No action by the local governing board is necessary.

4

Design Guidelines

One of the first tasks of a historic preservation commission is to adopt design guidelines for alteration, restoration, new construction, additions, reconstruction, relocation, or demolition affecting historic landmarks or properties in historic districts. Until the commission adopts design guidelines, no landmark can be designated, and changes to the exterior appearance of landmarks and properties in historic districts cannot be reviewed or regulated.

The Purpose of Design Guidelines

Once a property is designated as a historic landmark or becomes part of a historic district, the owner cannot demolish the property, move it, or change its exterior features without a certificate of appropriateness issued by the historic preservation commission. When reviewing applications for certificates of appropriateness, the commission must use its established design guidelines to determine whether proposed changes in appearance are incongruous (not in keeping) with the special character of the landmark or district. If the commission finds that a proposed change is not incongruous, it must approve the application.

It is not the commission's purpose to impose particular architectural styles, to promote design preferences, or to require restoration of historic properties. The single standard the commission must apply is whether or not the property owner's proposed changes are incongruous; changes deemed not incongruous must be permitted, even if commission members consider them less than ideal.

The use of written design guidelines helps protect property owners' rights of due process and equal protection under the law:

- Guidelines tell property owners in advance how proposed changes to their properties will be judged.
- Use of the same guidelines to review every application helps ensure that all property owners are treated equally.

Guidelines also make the commission's job easier:

- By providing a framework for review, guidelines systematize the decision-making process, helping the commission function efficiently.
- Guidelines help property owners develop sound and readily evaluated applications.

Application for certificates of appropriateness and procedures for commission review of these applications are discussed in detail in Chapter 8.

What the Design Guidelines Must Cover

Design guidelines should cover each item, feature, and type of change listed in the ordinance establishing the commission. State law specifies what physical items are subject to design review and what exterior features of these items must or may be considered in the review. In the ordinance, the local governing board lists all the specified items, all the required features, and any optional features it chooses.

Items Subject to Design Review

Proposed changes to the following items must reviewed by the commission:

- the exterior portion of any building or structure
- masonry walls
- fences
- light fixtures
- steps and pavement
- other appurtenant features
- above-ground utility structures
- outdoor advertising signs

New construction in historic districts or on the grounds of landmarks also is subject to design review.

Features Covered by the Design Guidelines

In reviewing applications for certificates of appropriateness, the commission must consider these *exterior features:*

- architectural style
- general design
- general arrangement of the exterior of a building or other structure
- kind and texture of building material
- size and scale of the building
- type and style of all windows, doors, light fixtures, signs, and other appurtenant features
- style, material, size, and location of outdoor advertising signs

At the discretion of the local governing board, approval of changes in these features may also be required:

- color
- significant landscape features
- significant archaeological features
- significant natural features

Review of changes in significant archaeological features is required, however, if a landmark has been designated for its archaeological significance.

In addition, the ordinance may give the commission jurisdiction over changes to *interior features* of architectural, artistic, or historical significance of these properties:

- Publicly owned landmarks (other than buildings owned by the State of North Carolina or its agencies).
- Privately owned landmarks for which the owner has consented to interior review.

If the designation ordinance specifies review of certain interior features, a certificate of appropriateness is needed for changes to these features.

Changes Not Requiring a Certificate of Appropriateness

The ordinance and the design guidelines should state clearly what kinds of changes do not require a certificate of appropriateness. State law exempts these changes from the requirement for commission approval:

- Routine maintenance or repairs that do not involve a change in design, material, or appearance.
- Any changes needed for public safety because of an unsafe or dangerous condition, as certified by the building inspector or a similar official.
- Maintenance and emergency restoration of existing above-ground utility structures.

Development of Guidelines

The design guidelines should reflect both the nature of the local historical resources and the philosophy and intent of the local governing board in establishing a preservation commission. Development of design guidelines requires knowledge of the local historical resources and expertise in architectural history, design, and related fields.

Personnel and Resources

In developing design guidelines, the commission should draw on the expertise of its own members and its staff as much as possible. Participation of people with expertise in design and architectural history is essential. The commission may wish to use the services of a consultant, especially in areas of expertise not represented by commission members or staff. Technical assistance for developing guidelines is available from the State Historic Preservation Office. The commission may also solicit suggestions from an advisory committee of interested citizens. Community involvement in developing design guidelines, through public information meetings, can lay the groundwork for good community relations.

Relevance to Local Historical Resources

The significant architectural and visual qualities that define the character of a district or landmark differ from place to place. The commission may wish to study design guidelines that have been adopted by other historic preservation commissions. However, guidelines appropriate for one community are rarely, if ever, appropriate for another, and existing design guidelines should not be copied. The guidelines should be tailored to the special character of the community's historical resources and to the preservation philosophy and goals of the commission.

To identify the special features, qualities, and character that should be protected, the commission needs an inventory of historic properties and areas that documents these resources with written descriptions and photographs. This information forms the basis for developing appropriate and useful guidelines.

Practicality, Flexibility, and Applicability

The guidelines should be detailed and specific enough to protect recognized values of historical resources, yet flexible enough to accommodate unusual situations or changing circumstances. The guidelines should take into account durability of materials and the needs of property owners, as well as aesthetic considerations.

The guidelines should not require particular architectural features or styles. Guidelines using relative rather than absolute terms (for example, "recommend," "encourage," and "discourage," rather than "require" or "prohibit") provide guidance while allowing the commission reasonable leeway in design review. It is more practical to frame guidelines in terms of the desired result than to prescribe specific solutions. Nonetheless, examples of good design solutions for common types of changes are helpful.

Review and Revision

The design guidelines should be reviewed and updated periodically. In particular, when a new historic district is designated, it may be appropriate to add more-detailed guidelines for changes within that district, based on the architectural and other features that contribute to the district's special character.

Types of Design Guidelines

It is helpful to organize design guidelines into categories reflecting the types of projects for which certificates of appropriateness are required. Special considerations are discussed below for the following categories of design guidelines:

- new construction
- rehabilitation (including restoration, alteration, and addition)
- reconstruction
- signs

- landscaping
- demolition and relocation

For a given community, some categories of guidelines are more important than others. Also, some categories are more relevant to historic districts than to historic landmarks. In developing guidelines, the commission should consider the nature and distribution of local historical resources and the development pressures likely to affect them.

New Construction

Guidelines for new construction apply to historic districts, especially where a number of lots are vacant. They also apply to the grounds of landmarks. The guidelines must address the relationships of new construction to its surroundings. The relationships commonly considered involve spacing, scale, orientation, proportions, architectural detailing, materials, color, and landscaping. The commission develops guidelines for how particular kinds of features relate to those of adjacent buildings. The box on page 36 lists examples of the kinds of features for which the commission might develop guidelines.

The guidelines should specify to what extent compliance is mandatory and whether these features are judged relative to adjacent buildings, to the district as a whole, or to some defined subarea within the district.

The most difficult issue involving new construction in historic districts is that of contemporary design versus period design. Cases have been made both for encouraging and for discouraging contemporary design, as well as for remaining neutral on this issue.

On one hand, period design may fit the character of a district more easily than contemporary design, especially in districts dominated by one architectural style. On the other hand, some preservationists feel that period designs compromise the integrity of truly old buildings, in that the untrained observer cannot distinguish the truly historic from the imitation. Some preservationists also feel that historic districts reflect the continuity of time and thus should include styles not only of past eras but also of the present era, as long as their design is compatible with the visual character of the historic buildings.

Rehabilitation

Guidelines for alteration, addition, and restoration affecting existing properties may be grouped under the heading of rehabilitation. Rehabilitation is the type of change the commission will most often be called on to review. A useful resource for developing rehabilitation guidelines is *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (1992).

Features of New Construction in Historic Districts That Might Be Evaluated in Relation to Adjacent Buildings

Spacing, positioning, scale, or orientation

- ✔ distance between adjacent buildings
- ✔ ratio between building widths and spaces between buildings
- ✔ setback: the distance from the lot line to the building
- ✔ lot coverage: the percentage of lot area covered by primary structures
- ✔ building height
- ✔ size of the units of construction and architectural details in relation to the size of people
- ✔ relationship of the building mass to adjoining open space and nearby structures
- ✔ orientation of the building and facade to the street
- ✔ maintenance of pedestrian scale and orientation and provision for safe pedestrian movement

Shape and proportions

- ✔ shape of the facade
- ✔ relationship between the height and width of the facade
- ✔ directional character of the facade: predominantly vertical, horizontal, or nondirectional
- ✔ distribution and proportion of windows and doors in the facade: shape, positioning, pattern, and sizes of window and door elements
- ✔ relationship of solids to voids (strong and weak elements) in the facade
- ✔ modeling of the facade: use of protruding elements such as porches, bays, dormers, or balconies
- ✔ proportion and spacing of entrance or porch projections
- ✔ ratio between facade area and the width of horizontal projections, such as wings, carports, colonnades, or greenhouses
- ✔ roof form: shape, direction, pitch, and arrangement

Materials, color, and architectural features

- ✔ dominant materials, textures, and colors
- ✔ architectural detailing: the manner in which materials are used and the way in which architectural elements are combined
- ✔ applied decoration, such as leaf patterns, scrolls, or stained glass
- ✔ appurtenant fixtures and other features, such as lighting

Landscaping

- ✔ type of landscaping: walls, fences, lawns, and other plantings
- ✔ relationship of landscaping to structures
- ✔ ground cover or paving: type, pattern, and extent
- ✔ continuity of walls, fences, or landscape masses between buildings

These are some of the issues that should be addressed in rehabilitation guidelines:

- Whether to regulate permanent changes more strictly than reversible changes.
- Whether to discourage additions visible from the street.
- Whether to encourage contemporary design for alterations or additions.
- Whether to recommend the use of standard designs for features within a historic district.
- How strictly to regulate installation of modern equipment (such as storm windows and doors, skylights, solar collectors, air conditioning units, television antennas, and satellite dishes).
- How stringently to protect the property's original form and integrity and its historic materials and features.
- Whether to encourage repair rather than replacement of architectural features.
- How strictly to regulate details of architectural style.
- How stringently to protect examples of skilled craftsmanship.
- How strictly to regulate the use of modern materials (such as vinyl or aluminum siding or asphalt shingles).
- Whether to encourage preservation of changes made in the building over its history.
- Whether to discourage alterations that make a property seem earlier ("more historic") than it is.
- How strictly to regulate surface cleaning of structures.
- How stringently to protect associated archaeological resources.

Reconstruction

"Reconstruction" is the construction of a new version of an old building. Guidelines may be needed on the appropriateness of reconstructions in historic districts. If reconstructions are permitted, design guidelines should address issues similar to those for new construction.

Signs

Sign guidelines are most relevant for historic districts that include commercial areas. If a locality has a general sign code, the design guidelines may either supplement the code or stand alone. If the commission anticipates receiving many applications for certificates of appropriateness involving signs, the guidelines should be fairly detailed. If such applications are expected to be rare, the guidelines might be left more general.

Design guidelines for signs should focus on the sign's relationship to the associated building. In particular, they may address issues of size and scale and how the sign's design elements relate to those of the building. These issues often are addressed:

- height and dimensions
- type: permanent or temporary, freestanding or attached, or lettering applied directly to the building
- number per building
- placement, especially relative to significant architectural details
- materials
- lettering, color, and other design elements
- illumination and use of moving or flashing elements
- content
- use of signs on awnings and canopies

Sign guidelines also should take into account the historical significance of existing signs.

Landscaping

If the local governing body chooses to regulate significant landscape features of historic landmarks and districts, design guidelines will be needed for such features as trees, shrubs, sidewalks, walls, fences, lampposts, and parking lots. Although such guidelines are most applicable to historic districts, where landscape features often contribute significantly to the district's special character, they also may be applied to proposed changes in landmarks.

Demolition and Relocation

Generally, the commission may not deny a certificate of appropriateness for demolition or relocation of a historic landmark or a building, structure, or site within a historic district. (The only exception is for properties determined by the State Historic Preservation Officer to have statewide significance according to National Register criteria.) The ordinance establishing the commission may, however, allow the commission to delay demolition or relocation for up to one year while it negotiates to preserve the property. Guidelines are needed to aid the commission in deciding whether to delay demolition or relocation.

Demolition Guidelines

The goal of demolition guidelines is to find a means to prevent the destruction of significant properties. These are key issues in evaluating proposals for demolition:

- The individual significance of the property.
- The property's contribution to the special character of a historic district.

Relocation Guidelines

The goal of relocation guidelines is to find a means to prevent the relocation of significant properties or to ensure that relocated buildings are not incongruous in their new surroundings. Guidelines should take into account both the building's situation on the lot and, in historic districts, its compatibility with adjacent properties. These are key issues in evaluating proposals for relocation:

- The effect of relocation on the property's integrity and special significance.
- The effect of a property's removal from a historic district on the district's special character.
- The effect of a property's relocation into a historic district on the district's special character.

Contribution to the Special Character of a District

Commissions involved with historic districts should develop guidelines based on whether a property contributes significantly to the special character of the district. For example, the commission might develop delay of demolition and relocation guidelines for these categories of properties in historic districts:

- Properties with individual significance (those that would qualify as landmarks in their own right).
- Properties with no individual significance, but which nonetheless contribute significantly to the district's special character.
- Properties that contribute little to the district's special character.
- Properties that detract from the district's special character.

The commission might also consider the structural soundness of buildings.

Minor Works

The ordinance establishing the commission may allow applications for certificates of appropriateness for "minor works" to be reviewed and approved by an administrative official. Such minor works must be defined in the ordinance, and the commission must have adopted detailed standards for their review.

These types of alterations often are treated as minor works:

- installation of lighting fixtures
- installation or replacement of storm windows and doors
- installation or removal of gutters and downspouts
- replacement of asphalt or fiberglass shingle roofs

The administrative official may not deny certificates of appropriateness for minor works. If proposed changes appear to be incongruous according to the commission's standards, the official must refer the application to the commission.

Publication and Distribution of Guidelines

Once the design guidelines are formally adopted, the commission should distribute them to all government officials, agencies, or boards that will deal with historic landmarks or districts, such as the building inspections department, the public works department, and the planning board.

The design guidelines also should be made available to the public, so that property owners know in advance what sorts of changes may be considered incongruous. Guidelines for new construction must be well understood by the property owner and the architect before design begins. For major projects, the commission should maintain close contact with the owner and architect throughout the design process.

Publication of the Guidelines

The published design guidelines should discuss how the design review process works and explain the guidelines' purpose and origin. A summary is helpful, as are simple illustrations of design principles and explanations of the reasons behind potentially controversial guidelines.

Design guidelines can be published in a variety of formats, depending on their anticipated audience. For example, they may be produced as a manual or brochure, as a series of fact sheets, or as part of a more comprehensive publication about local historic preservation. If guidelines are published in a form to be sold to the public, an inexpensive summary also should be produced for free distribution to affected property owners.

Distribution of the Guidelines

Guidelines can be distributed in these ways:

- Mailing to all property owners and tenants within historic districts and all owners and tenants of historic landmarks.
- Distribution to those who inquire about certificates of appropriateness.
- Availability at the local planning department, town hall, the county courthouse, or public libraries.
- Distribution to real estate agents, preservation groups, mortgage bankers, contractors, architects, landscape architects, and others likely to be dealing professionally with historic properties.

5

Inventory of Local Historical Resources

A newly established commission that will deal with landmarks must as soon as possible undertake an inventory of the properties of historical, prehistorical, architectural, or cultural significance within its jurisdiction if no such inventory has already been made. An inventory is strongly recommended for commissions dealing with districts, as well.

This area-wide inventory is needed as a guide for identifying and evaluating potential landmarks and districts and for developing design guidelines. It also forms the basis for developing local preservation goals and a preservation plan.

Preferably, the local survey should be done in coordination with North Carolina's statewide survey of historical resources to ensure that it yields accurate, comprehensive, and useful information and becomes part of the statewide survey.

The Inventory's Purpose and Scope

In making an area-wide inventory, the commission becomes acquainted with the locality's historical resources. The inventory helps identify which properties or groups of properties are most important and worth spending further resources on. It helps the commission establish priorities for preservation and determine preservation strategies.

The information in the inventory also provides the starting point for the detailed investigations and reports supporting recommendation of historic landmark or district designations. The commission should keep in mind that inclusion of a property in the inventory does not in itself confer any protection.

The area-wide inventory does not require a detailed, in-depth report on every historic property. In this preliminary investigation, breadth is more important than depth. The inventory should be comprehensive, covering all periods and all types of resources throughout the area. It should mention the potential for archaeological resources.

The commission might also consider undertaking an inventory of archaeological resources. Both prehistorical and, especially, historical archaeological remains are common in North Carolina, even in urban areas. Their identification, study, and protection are critical to a full understanding of the historical development of any community or area.

Information the Inventory Should Include

The inventory usually begins with a brief history of the area, providing an overview of how the area developed and what events have influenced its

development over the years. This basic information helps to indicate which resources are most valuable for historical and cultural reasons and what forces are operating for and against preservation efforts.

The overview should identify these ***features of the area:***

- significant geographic features
- other major features that provide orientation
- dominant visual impressions
- transportation routes
- settlement patterns
- population growth
- economic activities
- characteristic architectural and land use features of various sections within the area
- unique or distinctive aspects of local prehistory, history, or historic properties

For ***individual properties,*** the inventory should include this information:

- location
- name and address of present owner
- use
- dates of the building (or site) and any additions
- architectural description
- physical condition
- relationship to the surroundings
- sketched site plan
- historical or other significance, including associated historical events and important persons, and potential for archaeological resources
- photographs

In identifying archaeological sites, the commission should keep in mind that their locations must not be made public, to protect the sites from looting. Archaeological resources are protected by both state and federal laws.

The inventory also should describe the history and status of any public or private preservation activities already undertaken in the area.

The Importance of Mapping

All properties recorded in the inventory should be mapped. Maps make it easier to recognize and explain characteristic patterns, and they provide a context for consideration of individual properties and districts. They provide a framework for systematic decision making by the commission and facilitate coordination with other planning and zoning activities. Maps may be coded to show such characteristics as age, land use, and architectural or historical significance.

U.S. Geological Survey maps are most appropriate for county inventories, and tax maps showing property lines are most appropriate for municipal inventories.

Personnel and Resources for the Inventory

Ideally, the inventory should be made by a qualified professional. Even if this expertise is available from the commission, its staff, or local volunteers, the commission may wish to hire a professional consultant to manage the inventory, as this is a labor-intensive, time-consuming project.

According to state law, the inventory is to be made "consistent with the resources available to" the commission. The budget for a newly established commission should take into account the inventory requirement. The inventory process may entail expenditures for personnel, forms, photographs, maps, graphics, and preparation of the inventory summary. Funding can come from the local governing board or be raised from other public or private sources, subject to local fiscal control requirements.

Each year, the North Carolina Division of Archives and History offers a limited number of matching grants to communities and counties undertaking inventories of historical resources. Information on this grant program can be obtained from the grants administrator for the State Historic Preservation Office.

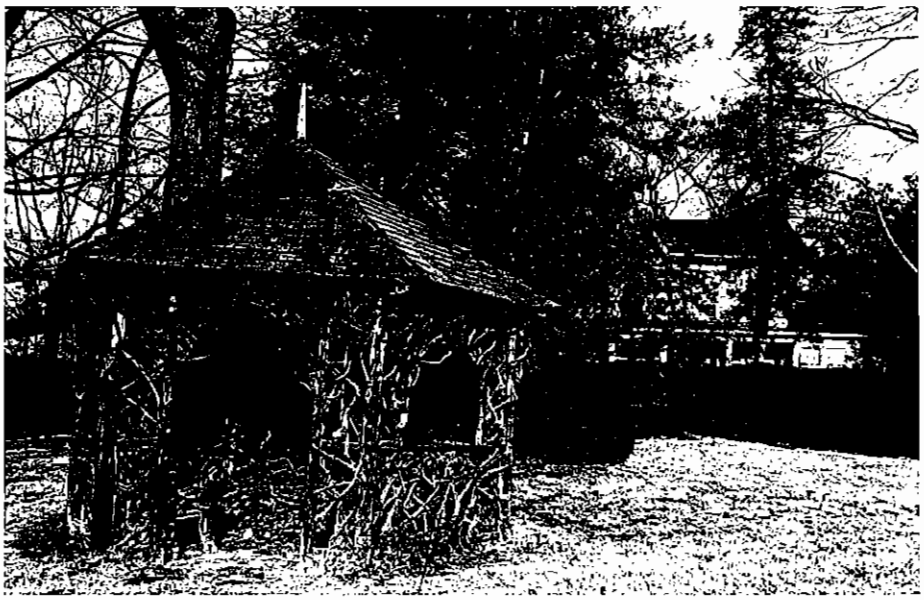
Even when the Division is unable to provide financial support, the State Historic Preservation Office can provide inventory forms and professional advice for inventory projects that are conducted according to state survey guidelines. These guidelines are based on more than two decades of successful supervision of surveys. They cover the professional qualifications of consultants conducting survey field work, research methodologies, and standards for materials produced in the inventory project.

Publication and Maintenance of the Inventory

The commission must submit the inventory to the State Historic Preservation Office. Whether or not the inventory is cosponsored by the Division of Archives and History, all survey files and maps should be duplicated so that they can be incorporated into the statewide survey. Incorporation of local inventories into the statewide survey enhances the state's ability to protect historical resources.

Inventory forms should be kept on file in well-organized fashion. They should be readily accessible to local planning and zoning officials and to the public. It is useful to publish a summary of the inventory findings, including maps, both for the information of the public and for reference by commission members and other local government officials.

The inventory should be updated periodically, and any updates or additions also must be submitted to the State Historic Preservation Office.



William Alfred Moore House, Mount Airy. On the recommendation of the Mount Airy Historic Preservation Commission, the William Alfred Moore House was designated as a local historic landmark after the house and its four acres of landscaped grounds in the heart of town were acquired by the Mount Airy Restoration Foundation in 1992.

Montague Building, Raleigh. When the Raleigh City Council condemned the 1912 Montague Building for code violations in 1976, a group of preservationists volunteered to correct them, in order to preserve this building, which for most of its history housed African American businesses. Local landmark designation in 1979 helped to trigger the listing of the Moore Square Historic District in the National Register of Historic Places. The local designation and National Register listing in turn attracted a developer who rehabilitated the Montague Building for commercial and office use.

6

Designation of Historic Landmarks

Historic landmark designation applies to individual properties, which may be buildings, structures, sites, areas, or objects. State law specifies the procedure for designation of landmarks. The historic preservation (or historic landmarks) commission recommends designation, and the local governing board designates the landmark by adopting a designation ordinance.

Landmark designation is an honor. It signifies recognition that the property is important to the heritage and character of the community and that its protection enriches all the community's residents.

It is important for the commission and local governing board to follow the procedures required by law. Should designations be challenged in court, they are much more likely to be set aside on procedural grounds than on substantive grounds. If a commission has followed the required procedures, the court usually defers to the commission's decision on whether the property is worthy of designation.

Types of Historic Landmarks

The following types of properties can be designated as historic landmarks:

- ***Buildings.*** A "building" is constructed mainly to shelter human activity. Examples are houses, churches, theaters, schools, government buildings, stores, office buildings, factories, stations, barns, stables, and sheds.
- ***Structures.*** The term "structure" refers to a construction with a main purpose other than shelter. Examples are vehicles, roads, bridges, tunnels, canals, dams, fences, prehistoric earthworks, lighthouses, kilns, silos, windmills, gazebos, and bandstands.
- ***Sites.*** A "site" is the location of a significant event, activity, building, or structure (even if the building or structure is in ruins or gone). To be proposed for designation, the site must have historical significance regardless of the value of any building or structure now existing there. Examples are battlefields, shipwrecks, cemeteries, ruins of buildings or structures, sites of villages or habitations, rock shelters, natural features, or designed landscapes.
- ***Areas.*** The term "area" can be used to refer to a portion of a large land parcel, when only that portion is designated. It may also refer to a designated property that consists of more than one tax parcel. For example, a designation might include one or more buildings on a large property plus an area surrounding them. Landmark areas are different from historic districts, which are groups of properties.

- *Objects.* The term "object" refers to a structure that is relatively small and simple or is primarily artistic in nature. To be proposed for designation, the object should be in a setting appropriate to its historical significance. Examples are statues, monuments, fixed outdoor sculptures, fountains, mileposts, or boundary markers.

Prerequisites for Designation of Landmarks

Before a local governing board may designate any historic landmarks, these steps must have been taken:

- The local governing board must have established a historic preservation commission or a historic landmarks commission.
- The commission must have established rules of procedure and design guidelines.

Once these requirements have been met, an individual property may be designated as a historic landmark by the procedure described below.

Consent of the property owner is not required for designation of a property's exterior or grounds. Nonetheless, it is advisable for the commission to obtain the owner's support before initiating the designation process.

Procedure for Designation of Landmarks

These are the main steps in designation of historic landmarks:

- The commission investigates the historical, prehistorical, architectural, or cultural significance of each property proposed for designation.
- The commission submits a report of this investigation to the State Historic Preservation Office.
- The State Historic Preservation Office has the opportunity to review the report and to make nonbinding comments on the substance and effect of the proposed designation.
- The city or county attorney drafts an ordinance designating the landmark.
- The commission and the local governing board hold a joint public hearing or separate public hearings on the proposed landmark designation ordinance.
- The commission may recommend to the local governing board that it adopt or reject the proposed ordinance.
- The local governing board adopts or rejects the proposed ordinance. Before adopting the ordinance, the local governing board may amend the ordinance as it deems necessary.
- On adoption of the ordinance, the commission must notify owners and occupants of each designated landmark and the appropriate local government officials.

Investigation of Proposed Landmarks

Before recommending that a property be designated as a historic landmark, the commission must investigate the property's significance and find that

- it has special historical, prehistorical, architectural, or cultural significance, ***and***
- it shows integrity of design, setting, workmanship, materials, feeling, or association.

The commission may make this investigation itself or may arrange for an investigation by qualified consultants or volunteers.

During the investigation, the commission should contact the property owner to explain the ramifications of local designation and to seek cooperation. The property owner's consent is not required for designation of a landmark. However, the owner's consent is required for designation of specified significant features of a landmark's interior.

Criteria for Significance

To have special historical, prehistorical, architectural, or cultural significance, a property should meet at least one of these criteria:

- It is associated with events that have contributed significantly to our history.
- It is associated with the life of a person significant in our past.
- It embodies the distinctive characteristics of a type, period, or method of construction.
- It represents the work of a master or possesses high artistic values.
- It has yielded or is likely to yield important historical or prehistorical information.

Aspects of Integrity

A property has integrity if it is able to convey its significance to the observer. In other words, the significance can be seen or experienced, not just imagined. These aspects of properties contribute to their integrity:

- *Design.* "Design" refers to the combination of elements that create the form, plan, space, structure, and style of a property, as it was originally conceived. It includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
- *Setting.* A property's "setting" is its physical environment (including natural or man-made features) as it relates to a property's functions, its significant role, or its design. Setting refers to the character of the place where a property played its significant role.
- *Workmanship.* "Workmanship" is the physical evidence of the crafts of a particular culture or people during the period in history or prehistory when a property was created.

- *Materials.* "Materials" are the physical elements that originally were combined to form a property. For a rehabilitated property to have integrity of materials, its historical materials must have been preserved; it must be an actual historic property, not a re-creation.
- *Feeling.* "Feeling" is a property's expression of the historical or aesthetic sense of a particular period of time. A property has integrity of feeling when its physical features together enable it to evoke a sense of its historical character.
- *Association.* "Association" is a property's direct connection with a significant event or person. To have integrity of association, the property must be where the significant event or activity occurred, and it must be sufficiently intact to convey the connection to an observer.

To qualify for designation, a property generally should show integrity in most or all of these respects. In particular, integrity of feeling or association alone is not sufficient, because these are more subjective qualities. Generally, a property retains integrity if it has not been substantially altered and if it is not severely deteriorated or dilapidated.

Report on the Proposed Landmark

For each proposed historic landmark, the commission must submit a report on its historical, prehistorical, architectural, or cultural significance to the State Historic Preservation Office.

The information in this report provides the basis for deciding whether a property should be designated as a landmark. Because it provides the justification for the designation ordinance, the report must be thorough. Once a property is designated, the information in the report can be used in promoting the property's importance to the community, in evaluating proposed alterations, and in defending the commission's decisions against legal challenges.

The report should describe the findings of the investigation, providing information on each of the criteria for significance and integrity outlined above. It should include the following:

- The property's name (both common and historical names, if they can be determined).
- The property's location (street address or, for a rural property, approximate location in relation to state routes).
- The name(s) and address(es) of the property's current owner(s).
- A concise statement of what is included in the proposed designation.
- Justification of the boundaries of the property proposed for designation.
- The date of construction and of any later alteration(s).
- An assessment of the property's historical, prehistorical, architectural, or cultural significance.
- An architectural or archaeological description of the physical elements of the property that are integral to its significance.

- A discussion of the property's historical background, period, and locality.
- An evaluation of the property's integrity of design, setting, workmanship, materials, feeling, and association.
- A current photograph that clearly shows the overall property and supplementary photographs that show details, other facades, and setting.
- Interior photographs if interiors are proposed for designation.
- A site plan showing the property's location, including the locations of any outbuildings and appurtenant features, and the boundaries of the area proposed for designation.
- The appraised value of the property.
- Any other information the local governing board deems necessary.

The State Historic Preservation Office offers guidance on how to prepare the report. If the property is listed in the National Register of Historic Places, the National Register nomination, with a cover sheet, can serve as the report.

The State Historic Preservation Office must be given the opportunity to review the report and to comment on the substance of the proposed landmark designation (that is, whether the property is worthy of designation) and on the effects of designation. This review process is intended as a way for the State Historic Preservation Office to provide technical assistance and support to historic preservation commissions.

Any comments or recommendations from the State Historic Preservation Office must be made in writing; they are for the consideration of the commission and the local governing board, and they are not binding. If the State Historic Preservation Office has not submitted comments within thirty days after receiving the commission's report, the commission and the local governing board are relieved of the responsibility to consider such comments.

Recommendation by the Commission

After investigating a proposed landmark and considering comments from the State Historic Preservation Office, the commission may adopt a resolution recommending designation by the local governing board. The written recommendation should include the relevant findings of the investigation.

The commission should state precisely what it is recommending for designation. For example, if designation is meant to include the land area around a building or structure, the recommendation should say so and describe it.

The Designation Ordinance

The ordinance designating a historic landmark is drafted by the city or county attorney, for adoption or rejection by the local governing board. In drafting the ordinance, the attorney should consult closely with the

commission, the planning board, and other appropriate local government officials.

Required Clauses

A designation ordinance must include these clauses:

- Identification of the property.
- Specification of the exact boundaries of the designation.
- Specification of the property's features that are included in the designation, such as exteriors of buildings and other structures, interior features (if any), and significant landscape, archaeological, or natural features.
- Certification that the requirements of state law have been met.
- The main facts supporting the finding that the property has special historical, prehistorical, architectural, or cultural significance.
- Designation of the property as a historic landmark pursuant to state law.

Identifying Sign

The designation ordinance may include a clause providing that the commission post a sign identifying the property as a historic landmark.

Jurisdiction over Interior Features

In certain cases, the designation ordinance may give the commission jurisdiction over interior features of a historic landmark. Jurisdiction over interiors is permitted only for these properties:

- Publicly owned landmarks (other than buildings owned by the State of North Carolina) for which specific interior features of historical, architectural, or artistic significance are specified in the designation ordinance.
- Privately owned landmarks for which the owner has consented to review of certain interior features.

In such cases, the designation ordinance should state the nature of the commission's jurisdiction over the property's interior.

Public Hearings on the Proposed Ordinance

The commission and the local governing board must hold a joint public hearing or separate public hearings on the proposed designation ordinance. They must give reasonable notice of the time and place of the hearing(s) and must conduct them in accordance with the North Carolina Open Meetings Law, *General Statutes of North Carolina*, c. 143, a. 33C. Procedures for public hearings are discussed in Chapter 3.

After the public hearing(s), the governing board may either adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

Notification of Designation

On adoption of a designation ordinance, the owner(s) and occupant(s) of each designated landmark must be given written notification of the designation. The commission must make every reasonable effort to locate and notify the owner(s) and occupant(s).

The commission must file one copy of the designation ordinance and any amendments in each of these locations:

- The office of the register of deeds of the county where the landmark is located. Each designated landmark must be indexed by the name of the property owner in the grantee and grantor indexes. The commission must pay a fee for filing and indexing.
- The office of the city or town clerk, for any landmark within the city's or town's zoning jurisdiction. This copy must be available for public inspection.
- The office of the city or county building inspector.

In addition, the county tax supervisor must be notified of the designation and any restrictions on the property's use, and the designation must be clearly indicated on all tax maps maintained by the county or city.

Effects of Landmark Designation

Landmark designation has these consequences:

- An owner who wishes to make changes to a property designated as a historic landmark must first have the plans reviewed and approved by the commission by applying for a certificate of appropriateness.
- The owner of a designated landmark may apply for an annual fifty percent property tax deferral for as long as the property's important historical features are retained.

A designated landmark may be identified by a sign posted on the property (with the owner's consent) or on a nearby public right-of-way, if this is provided for in the designation ordinance.

When a property is designated as a historic landmark, the designation is filed with the title to the property. Future owners of the property are subject to the designation unless it is revoked.

Requirement for a Certificate of Appropriateness

Once a property is designated as a historic landmark, the owner cannot demolish the property, move it, or substantially change its exterior features without a certificate of appropriateness issued by the historic preservation commission.

If the designation ordinance specifies review of certain interior features, a certificate of appropriateness also is needed for changes to these features. Commission approval is not required for routine maintenance or repairs that do not involve a change in design, material, or appearance. Nor is

commission approval required for changes certified by the building inspector to be necessary for public safety.

The commission cannot deny a certificate of appropriateness for demolition or relocation; however, the commission may delay demolition or relocation for up to one year.

Application for certificates of appropriateness and procedures for commission review of these applications are discussed in detail in Chapter 8. Chapter 8 also discusses the actions the commission may take if the designation ordinance is violated.

Property Tax Deferral for Designated Landmarks

Properties designated as historic landmarks are treated as a special class of property under state law (*General Statutes of North Carolina*, c. 105, ss. 105-278). They are taxed on the basis of fifty percent of their true value as determined by the county tax supervisor.

How the Tax Deferral Works

A designated landmark automatically is eligible for the property tax deferral; the deferral is not at the option of the local governing board. Payment of the difference between the tax based on the property's full value and the tax based on fifty percent of its value is deferred as long as the property's significant historical features are retained.

The tax deferral is not automatic; to receive it, the owner of a designated landmark must apply to the county tax supervisor for a reduced valuation of the property. The reduction in value applies only to real property (the land and structures), not to personal property.

Loss of Eligibility for the Tax Deferral

The deferred tax becomes payable if the property loses its eligibility for the tax deferral, either because the property's integrity has been lost or substantially impaired (other than by fire or natural disaster) or because the designation ordinance has been repealed.

If a property is disqualified for the tax deferral, the deferred taxes for the current year and the three preceding years, plus interest, become due. If only part of a property loses its eligibility, the amount of deferred taxes due is prorated.

Rationale for the Tax Deferral

The property tax deferral provides an incentive for preservation of historic properties, reflecting the belief of the North Carolina General Assembly and the local governing board that this preservation is to the public's benefit.

In many cases, the tax deferral neutralizes disadvantages that could otherwise affect owners of historic properties. Property normally is taxed according to its "highest and best use," which often is not the same as its actual use. For example, commercially zoned land occupied by a historically significant residence or by an archaeological site might be valued for tax

purposes as though the land were available for construction of an office building or a shopping center. If the property is designated as a landmark, the tax deferral reduces the property tax so that it is closer to the tax based on the land's actual use (in this example, residential rather than commercial).

The substantial tax penalty if the designated property is demolished, moved, or altered so that it loses its historical significance also gives the property owner an incentive to maintain the landmark properly.

The property tax deferral for landmarks can reduce the local government's tax base. However, in many cases, designation encourages rehabilitation of historic landmarks, increasing their value. The increased value of the rehabilitated property can more than make up for the tax deferral based on the property's original value.

In the case of already tax-exempt properties, such as buildings owned and used by the city or county, churches, universities, or charities, no incentive for preservation can be offered in the form of a tax deferral. Nevertheless, designation of a tax-exempt property subjects it to the commission's review of proposed changes and to a one-year delay of demolition or relocation.

Revocation of Landmark Designation

If a designated historic landmark is demolished, moved, or altered so that it loses its integrity or historical significance, the commission may recommend that the local governing board revoke that property's landmark designation by repealing the designation ordinance. Neglect of a property can be grounds for revocation; if the owner fails to maintain the property and it loses its integrity through deterioration, designation can be revoked. (Chapter 8 discusses how demolition by neglect may be prevented.)

Revocation of landmark designation must be "for cause"—that is, because the property no longer meets the requirements for landmark designation. Because revocation carries heavy tax penalties, recommending revocation is a serious step for a commission to take. The commission should develop guidelines for deciding when to recommend revocation, both for the information of property owners and to protect the commission against charges of unfairness.

College Hill Historic District, Greensboro. Characterized by distinctive examples of residential design ranging from Queen Anne to Colonial Revival to Craftsman, Greensboro's College Hill Historic District was locally designated in 1980. Since then, many deteriorated houses in the district have been carefully restored. (Shown are houses on Walker Avenue.)

Wilmington Historic District—Residential. Established in 1962, the Wilmington Historic District Commission is one of the oldest in the state. Wilmington's six locally designated historic districts contain many excellent examples of various residential and commercial architectural styles dating from the early nineteenth century. (Shown are houses on Nun Street.)

7

Designation of Historic Districts

Historic district designation is a type of zoning that applies to a group of contiguous properties. It provides controls on the appearance of existing buildings and new construction within the district. The historic preservation (or historic districts) commission recommends designation, and the local governing board designates a historic district by adopting or amending a zoning ordinance. Historic districts also can be designated by ordinances in areas where no zoning ordinance exists.

State law specifies the procedure for designating historic districts up to the point where local zoning procedures apply. To protect the designations from legal challenge, it is important for the commission and local governing board to follow the procedures required by law.

Definition of a District

To be considered for designation as a historic district, an area must have a concentration of properties that are historically, visually, or culturally related either by plan or by physical development.

A district may include diverse types of historic properties, but together they must form a unified entity with its own identity. The properties must together convey a physical sense of the historical environment. They can be interrelated by historical events or by their functions. Examples of historic districts include residential areas, business districts, industrial complexes, rural villages, rural landscapes, and college campuses.

A district is a defined geographic area, distinguishable from surrounding areas by differences in various characteristics of its properties, such as type, age, style, or density, or by well-documented differences in patterns of historical development or association.

Types of District Zoning

Historic districts may be treated either as overlay districts or as separate use districts:

- An *overlay district* does not replace or alter the existing zoning; it simply superimposes the historic district over the existing zoning.
- A *separate use district* is an entirely new zoning classification, with its own permitted uses, dimensional requirements, and other zoning regulations.

The local governing board may choose to designate historic districts of either type or of both types. The way in which historic district zoning will be handled should be spelled out in the ordinance establishing the commission.

Before deciding which type of historic district zoning to choose, or whether to permit both types, the local governing board should consult with the city or county attorney, the local planning board, and the State Historic Preservation Office.

Overlay Districts

When historic districts are treated as overlay districts, the boundaries of existing zoning districts are not changed. The historic district is "laid over" the underlying use and dimension zones. The historic district designation does not affect the uses to which the land within the district may be put; the pre-existing zoning determines what use can be made of each property in the district. However, when a historic district is designated, exceptions or amendments to the dimensional regulations of existing underlying zones may be needed to preserve the district's special character.

Separate Use Districts

When historic districts are treated as separate use districts, this zoning classification replaces the existing zoning of the area included in a district. All zoning regulations must be spelled out in the ordinance or amendment establishing the historic district, including permitted land uses and dimensional requirements.

Procedures for Designation of Districts

These are the main steps in designating a historic district:

- An investigation is made of the historical, prehistorical, architectural, and cultural significance of the area proposed for designation.
- A report of this investigation, including a description of the proposed district's boundaries, is submitted to the State Historic Preservation Office.
- The State Historic Preservation Office has the opportunity to review the report and to make nonbinding recommendations concerning the report and the description of the proposed boundaries.
- The local governing board may refer the report and boundaries description to interested bodies for their recommendations.
- The commission, if one is already established, may recommend to the local governing board that it designate the proposed district.
- Upon receipt of the report and recommendations, the local governing board may designate the district by following the usual procedure for adopting or amending a zoning or other ordinance. Public hearings will be required as part of this procedure.

Investigation of Proposed Districts

Before an area can be designated as a historic district, the local governing board must find that the area

- has special historical, prehistorical, architectural, or cultural significance *and*
- shows integrity of design, setting, materials, feeling, or association.

The local governing board bases this finding on the investigation and report discussed below.

Criteria for Significance and Integrity

To qualify for designation, the district as a whole must meet the criteria of significance and integrity. It is not necessary for every property in a historic district to be individually significant:

- A district may be considered significant even if none of its components possess individual distinction, as long as the group as a whole has significance and integrity.
- A district can contain elements that do not contribute to its overall significance, as long as the district as a whole still conveys a sense of the historical environment.

Setting of Proposed Boundaries

The State Historic Preservation Office offers technical assistance in selecting boundaries, but its role is only advisory. It is up to the commission and/or the local planning board to recommend the boundaries of a proposed district to the local governing board, and it is up to the local governing board to make the boundary decision.

The boundaries of a proposed historic district should be selected to contain a significant concentration of properties contributing to the historical and visual character of the district as a whole. Every segment of the boundaries should be based on a clear and consistent rationale related to the character, significance, and integrity of the district.

In drawing boundaries, it is helpful to consider the following factors:

- ***Visual barriers*** that mark a change in the historical character of an area or that break the continuity of the district, such as new construction or highways.
- ***Visual changes*** in the character of the area due to different architectural styles, types, or periods or to a marked decline in the concentration of contributing properties.
- ***Historical boundaries,*** such as the original street plan or subdivision plat or early town limits.
- ***Clearly differentiated patterns*** of historical development, such as commercial versus residential or industrial development.

Boundaries should be selected carefully to encompass the full extent of the contributing resources and their setting. Only areas that are rationally related historically or visually to the character of the proposed district should

be included. The following considerations often enter into boundary decisions.

Inclusion of Noncontributing Properties. Leaving out individual properties within the district, even noncontributing properties such as new buildings or substantially altered historic buildings, thus creating "doughnut holes" in the middle or "missing teeth" along the edges, could open the designation to legal challenge. Scattered nonhistoric properties or properties that have lost integrity should be included and identified as noncontributing. In this way, the immediate surroundings and setting of the contributing properties and the district as a whole are protected.

Age Thresholds. A hard-and-fast age threshold for buildings (for example, fifty years) may seem an objective way to determine boundaries. However, this approach does not provide protection for significant buildings of more recent historical, architectural, or cultural significance.

Property Lines vs. Physical Features. Urban district boundaries should, whenever possible, follow legally recorded property lines, to make it easier to determine exactly what is within the district. Rear property lines often make the best boundaries for urban districts. In contrast, rural historic districts often include large land tracts, so natural topographic or man-made features may be more appropriate to mark rural district boundaries.

Political Considerations. Although local political considerations may arise in the drawing of a district's boundaries, the final boundaries must be justifiable in terms of the district's special character, significance, and integrity.

Report on the Proposed District

For each proposed historic district, or proposed change in the boundaries of a designated district, an investigation and report of the district's historical, prehistorical, architectural, and cultural significance must be prepared, along with a description of the proposed boundaries. If an inventory of local historical resources has already been completed, it will provide a good starting point for investigating a potential historic district.

Responsibility for Preparing the Report

Communities usually find it desirable to establish a historic preservation commission before designating the first district, so that the commission may carry out the study and prepare the report, develop design guidelines for appropriate physical changes in the district, and garner public support for district designation. However, the local governing board may establish the historic preservation (or historic districts) commission and designate the first district at the same time. In this case, the local planning board or a committee usually conducts the investigation and prepares the report.

Once the initial district is designated, the commission becomes responsible for preparing the investigations and reports on additional districts and any proposed changes to boundaries of designated districts. Such reports prepared by the commission must be referred to the local planning board for its review and comment according to procedures set forth in the local zoning ordinance.

Contents of the Report

The report provides the basis for the local governing board to decide whether an area should be designated as a district. Also, once a district is designated, the information in the report can be used in evaluating proposed changes to properties in the district.

The report should describe the findings of the investigation, providing information on the character, significance, and integrity of the proposed district as a whole. It should include the following:

- A concise description of the physical features and characteristics that distinguish the district, including architecture, street patterns, topography, land uses, spatial organization, and known or potential archaeological resources.
- A brief description of what kinds of buildings and properties do not contribute to the character of the district and the approximate percentage of noncontributing properties.
- An inventory list of all the properties in the proposed district, organized by street, giving the address and a brief architectural or archaeological description.
- A concise historical discussion of the district, summarizing its major periods of development, the relationship of its development to that of the community and region, and how significant events or individuals have contributed to its development.
- A brief assessment of the significance and integrity of the proposed district according to these criteria:
  - The area's special significance in terms of history, prehistory, architecture, or culture.
  - The area's integrity of design, setting, materials, feeling, and association.
- A justification of the proposed district's boundaries, based on historical, architectural, visual, or other qualities.
- A map clearly showing the boundaries of the proposed district in relation to property lines and showing all the structures identified as either contributing or not contributing to the character of the district.

For districts already listed in the National Register of Historic Places, most of the report sections can be documented by reference to the National Register nomination. However, if the proposed local designation includes more or fewer properties than the nomination, or if the area has changed significantly since the nomination, the differences should be described fully, and full information about any additional properties should be provided.

Review by the State Historic Preservation Office

The State Historic Preservation Office must be given the opportunity to review and comment on the report and the description of the proposed district's boundaries. The State Historic Preservation Office's comments and recommendations are advisory only. If the State Historic Preservation Office has not submitted written comments to the local governing board within

thirty days after receiving the report, the local governing board is relieved of the responsibility to await such comment.

Amendment of the Zoning Ordinance

On receiving the report and recommendations, the local governing board may designate the district by following its usual procedures to adopt or amend the zoning ordinance.

If a municipality or county does not have zoning, the local governing board can still adopt an ordinance designating a historic district. Adoption of this separate ordinance should be carried out in consultation with the city or county attorney.

Special Considerations for Overlay Districts

Designation of an overlay historic district does not affect the uses to which the land may be put. The use controls are contained in the underlying zoning classification.

However, the underlying zoning dimensional requirements and standards may need to be adjusted for a historic district to ensure that new construction and major rehabilitations may be undertaken in ways that are in keeping with the district's special character.

For example, the underlying zoning regulations may require greater setbacks or may allow taller building heights than already exist in the historic district. The historic district designation ordinance should provide for minimum setback requirements and height limits based on the conditions that exist within the historic district. The designation ordinance should specify that these dimensional regulations supersede those of the underlying district classification.

The ordinance also should include a provision allowing off-street parking requirements to be waived if they would require unnecessary surface parking lots or make adaptive-use projects infeasible.

Special Considerations for Separate Use Districts

The zoning ordinance must list the land uses permitted in the district; these may include the following:

- Uses found by the commission to have existed during the historical period being restored or preserved.
- Other uses compatible with restoration or preservation of the district.

The ordinance also must specify dimensional requirements. These should be designed to preserve the scale, building placement, building height, and density of development characteristic of the district. They should be based on the special character of the district, to ensure that new construction and renovations are not incongruous.

Effects of Historic District Designation

Designation of a historic district has these consequences:

- Owners who wish to make changes to properties in historic districts must first have their plans reviewed and approved by the commission. This requirement applies to contributing and noncontributing properties, vacant lots, and public rights-of-way.
- If the district is certified by the National Park Service as meeting National Register standards, owners may be eligible for federal and state tax credits for rehabilitation of income-producing properties.

Owners of properties within designated districts are not eligible for property tax deferral unless the individual property is a designated landmark.

Requirement for Certificate of Appropriateness

Once an area is designated as a historic district, the owner of a property within the district cannot demolish the property, move it, or change its exterior features without a certificate of appropriateness issued by the historic preservation commission.

The commission cannot deny a certificate of appropriateness for demolition or relocation; however, the commission may delay demolition or relocation for up to one year.

Application for certificates of appropriateness and procedures for commission review of applications are discussed in detail in Chapter 8. Chapter 8 also discusses the actions the commission may take if the preservation ordinance is violated.

Federal and State Tax Credits for Rehabilitation of Income-Producing Properties

Properties in locally designated historic districts generally are not eligible for federal and state historic preservation tax credits unless the district also is listed in the National Register of Historic Places.

The only exception is for certain properties in local districts that are not listed in the National Register but have been certified by the National Park Service as essentially meeting National Register criteria. Owners of properties in certified districts may be eligible for federal and state tax credits for rehabilitation if the properties contribute to the significance of the district and produce income.

Only a few such certified local districts exist in North Carolina. The State Historic Preservation Office provides assistance in getting locally designated historic districts certified by the National Park Service. Application for federal and state tax certification is completely separate from application for a certificate of appropriateness for the rehabilitation; it does not involve the commission or the local governing board.

Blue Gable, New Bern. Once in danger of demolition, this virtually intact example of the picturesque, increasingly rare Pure Oil station of the 1920s was preserved after the New Bern Historic District Commission imposed a delay of demolition. A class of schoolchildren joined the effort to publicize the building's plight.

Manor Inn, Asheville. During the demolition delay period imposed by the Asheville-Buncombe County Historic Resources Commission, local preservationists purchased and stabilized the landmark Manor Inn. They ultimately attracted a developer, who has restored the buildings as a successful apartment complex.

8

Certificates of Appropriateness

Once a property is designated as a historic landmark or included in a designated historic district, the owner cannot demolish the property, move it, or change its exterior appearance, design, or materials without a certificate of appropriateness issued by the historic preservation commission. With owner consent, commission approval also may be required for changes to certain interior features of designated landmarks.

The commission's review of applications for certificates of appropriateness is governed by the following documents:

- ***The ordinance establishing the commission*** specifies the physical components and features of the buildings and landscape for which changes in appearance are subject to review, and it states the standard by which appearance changes must be judged. It also outlines the procedures for application for certificates of appropriateness, review of applications, and appeal from commission decisions.
- ***The rules of procedure*** describe the application, review, and appeal procedures in detail.
- ***The design guidelines*** establish principles by which the commission judges whether or not proposed changes are incongruous with the special character of a landmark or district.
- ***The landmark designation ordinance*** describes the features that give a particular property special significance. It also indicates what, if any, interior features are subject to design review.
- ***The ordinance designating a historic district*** describes the features that give the district its special significance.

Before the commission takes any action on applications for certificates of appropriateness, all of the above ordinances, rules, and guidelines must have been adopted—the ordinances by the local governing board, and the rules of procedure and design guidelines by the commission.

This chapter focuses on the procedures for application for a certificate of appropriateness, review of applications by the commission, delay of demolition or relocation, appeal from commission decisions, and other issues in enforcement of designations. For discussion of the types of appearance changes that are regulated and the development of design guidelines, see Chapter 5. For discussion of general issues in conduct of commission meetings, see Chapter 3.

The Requirement for a Certificate of Appropriateness

Proposed changes requiring a certificate of appropriateness include alteration, restoration, construction, reconstruction, relocation, or demolition

of buildings, other structures, or outdoor advertising signs. The commission cannot deny a certificate of appropriateness for demolition or relocation; however, the local governing board may empower the commission to delay demolition or relocation for up to one year.

Property Ownership

The sale of a designated landmark or a property in a historic district has no effect on the designation.

Properties owned by the local government or by public utilities are not exempt from the requirement for a certificate of appropriateness. Especially in historic districts, the local government and public utility companies may be required to apply for a certificate of appropriateness for changes in such features as street paving, sidewalks, trees, walls, fences, lighting, utility installations, and other structures on their properties, easements, or streets.

Properties owned by the state of North Carolina or its agencies also are not exempt. However, the commission cannot be given jurisdiction over the interior of state-owned properties. Furthermore, in reviewing applications for certificates of appropriateness from the state, the commission must use *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (1992) instead of its own design guidelines.

Other Permits

A certificate of appropriateness for proposed appearance changes is required whether or not the work requires a building permit or other type of permit. No building permit or other permit for the proposed changes may be issued until the certificate of appropriateness has been approved.

Interior Review

Jurisdiction of the commission over interior spaces is limited to specific significant features in publicly owned landmarks, except state-owned, and in privately owned landmarks whose owners have consented to interior review.

The designation ordinance specifies the interior features subject to review and the nature of the commission's jurisdiction over the interior, so that it is clear to both the commission and the property owner exactly what kinds of changes will require a certificate of appropriateness. Consent for interior review is binding on future owners of the landmark, as long as the consent has been appropriately filed with the register of deeds.

The commission does not have authority over interiors of properties in historic districts.

Application for a Certificate of Appropriateness

The ordinance establishing the commission should identify the local government administrative official who will provide application forms and receive completed applications. The application usually is submitted by the property owner. To be considered at the next regular commission meeting,

the complete application must be received by the deadline given in the rules of procedure.

Content of the Application

To be complete, the application must include all information required in the rules of procedure, such as a project description, building plans, specifications, site plans, sketches, photographs, and samples of materials and colors. For new construction, elevations and facade renderings should be required.

Different application forms may be provided for different types of projects, with checklists of required submissions depending on the type of project. Applicants should be encouraged to present additional information beyond that required.

Informal Consultation with Property Owners

The rules of procedure may allow a committee of the commission to consult informally with property owners before they apply for certificates of appropriateness, to advise them on design guidelines. For example, committee may consult with owners planning new construction or extensive alterations.

Due process prohibits the committee from expressing an opinion or indicating approval or disapproval of plans; however, the committee may engage in reasonable discussion of the applicant's proposals. It should be made clear to the applicant that such unofficial discussion is not binding on the commission in its review of the resulting application.

Review of Applications

In reviewing an application, the commission must do the following:

- Notify the owners of any other properties likely to be materially affected by the proposed change.
- Give the applicant, other property owners, and other potentially affected parties an opportunity to be heard.
- Apply its established design guidelines systematically to review proposed changes to the features listed in the ordinance establishing the commission and in the designation ordinance.
- Make its findings of fact in terms of the design guidelines.
- Choose one of these options:
  - Approve the application as submitted.
  - Approve the application with conditions or clarifications.
  - Deny the application.
  - Continue the case for further consideration.
- Create a written record stating the findings of fact that constitute the reasons for the decision.

Notification of Affected Parties

The applicant and the owners of any properties likely to be affected by the proposed changes must receive reasonable notice before the meeting in which the application will be considered. The commission must follow its established procedures to notify all affected parties. If the commission decides to hold a public hearing on the application, notice of the hearing must be given to the general public.

The Opportunity To Be Heard

The applicant and potentially affected property owners must be given an opportunity to be heard at the meeting in which the commission considers the application. In addition, the commission may hold a public hearing on the application. It is good practice to hold public hearings on all applications for certificates of appropriateness other than those for changes considered to be minor works (as discussed below).

At a public hearing, other interested individuals also must be given an opportunity to be heard. However, the commission may set time limits for comments and need not hear redundant presentations in order to provide a fair airing of the issues.

Sources of Information for Review of Applications

In reviewing applications, the commission considers the submitted information and hears from sworn witnesses. Any interested party may appear in person or be represented by an agent. In addition to hearing from applicants and affected property owners, the commission is likely to hear from its staff, government officials, and representatives of local preservation or neighborhood associations. The commission may draw on the information in its inventory of local historical resources, and it may seek expert advice (for example, from the State Historic Preservation Office).

As part of its review procedure, the commission may view the property. Even if the commission has the authority to enter private land in performing its official duties, it should obtain the owner's or occupant's permission. Commission members or staff may take photographs or slides of the property for presentation at the meeting. In some cases, the commission may find it helpful to schedule a special meeting at the property's site.

Time Limit for Review

The commission must issue or deny a certificate of appropriateness within the time specified in the ordinance establishing the commission. By state law, the time limit cannot exceed 180 days from the date the complete application is filed. If the commission has not acted on an application within the time limit, the application automatically is approved. However, the rules of procedure may provide for extension of the time limit if the applicant agrees.

The Standard for Review of Proposed Changes

According to state law, "in approving or denying applications for certificates of appropriateness, the commission shall take no action except to *prevent* changes that would be *incongruous* with the special character of the landmark or district" (emphasis added). In other words, in evaluating proposed changes, the commission must apply a single standard: whether or not the proposed change is incongruous with the special character of the landmark or district. As long as a proposed change is not incongruous, it may not be denied, even if commission members do not consider it especially desirable.

The difficult part, of course, is deciding when a proposed change is so out of keeping that it would constitute an incongruous change. Careful study of the landmark or district and use of the design guidelines help the commission to decide.

In cases where a proposed change is clearly incongruous or where the commission is split on the issue, possible modifications should be discussed with the applicant during the meeting. It may be possible to negotiate one of these solutions:

- The commission approves the application with conditions.
- The commission denies the application, and the applicant resubmits the application with modifications.

For a detailed discussion of design guidelines, see Chapter 4.

Order of Business for Consideration of Applications

In considering an application for a certificate of appropriateness, the commission may follow the order of business shown in the box on page 68.

Notice of Approval or Denial of Applications

After an application is approved, the commission should transmit the following to the property owner:

- A certificate of appropriateness clearly describing the work that has been approved.
- A copy of the minutes of the meeting at which the application was approved.
- A certificate in a form suitable for display at the project site.

The local zoning and building officials also should receive a copy of the certificate.

After an application is denied, the commission should notify the property owner and provide a copy of the minutes of the meeting at which the application was denied.

Order of Business for Consideration of Applications

- ✔ Swear witnesses, including attorneys.
- ✔ Call the first case according to the agenda.
- ✔ Check for conflicts of interest and follow established procedures to deal with any conflicts.
- ✔ Call on the secretary to present the facts of the application:
  - Identify the property on a map.
  - Indicate the nature and level of significance of the proposed changes.
  - Indicate the impacts of proposed changes on adjoining properties and their visibility from the street.
- ✔ Call on the applicant (or his or her agent) for evidence in support of the application.
- ✔ Call on opponents (recorded by name and address) for evidence against the application.
- ✔ Give the applicant the opportunity to cross-examine opponents, to be sure their statements are not based on inaccurate information or misunderstandings.
- ✔ Ask whether any representations from the commission staff or other members of the public are to be submitted for the record.
- ✔ Give the applicant the opportunity to submit rebuttal evidence.
- ✔ Summarize the evidence and facts, giving all parties an opportunity to make corrections or objections. If no arguments are made against the representations, note for the record that the representations appearing in the record are uncontested.
- ✔ Discuss proposed changes with respect to the design guidelines.
- ✔ Accept a motion for findings of fact that each proposed change either is or is not incongruous with respect to each relevant item in the design guidelines, stating the reason for each finding. After a motion is made and seconded, call on each commission member for comments. Call for a vote on the findings of fact.
- ✔ Discuss whether conditions should be imposed on the certificate of appropriateness.
- ✔ Call for a motion that the application be approved, denied, or approved subject to conditions, or that the case be continued for further information. After a motion is made and seconded, call for discussion. Call for a vote on the application.
- ✔ Thank the applicant and any other affected or interested parties for coming. Invite them to stay for the rest of the meeting, but indicate that they may leave and will receive formal notification of the commission's action from the secretary.
- ✔ Proceed to the next application.

Modification of Applications

A property owner may wish to modify an application for a certificate of appropriateness that is pending before the commission or one that has already been approved. Typically, the applicant submits a written request describing the modification. The commission may vote to permit the modification or, if changes are substantial, to treat the request as a new application.

Reconsideration of Applications

To forestall "revolving door" applications, in which the same matter is repeatedly resubmitted, the ordinance establishing the commission may have a clause prohibiting reapplication after a certificate of appropriateness is denied unless the proposal is substantially changed.

Typically, the commission allows the applicant to present evidence that the facts or conditions relating to the application have changed. If, on the basis of this evidence, the commission votes to reconsider, the applicant then has the opportunity to present additional evidence supporting the application. A reconsidered application may be treated as a new application and reviewed by the procedure described above.

Minor Works

Rather than require a full formal commission review of proposals for relatively minor alterations, the ordinance establishing the commission may allow certificates of appropriateness for "minor works" to be reviewed and approved by an administrative official, as discussed in Chapter 4. "Minor works" are defined in the ordinance establishing the commission.

In reviewing applications for certificates of appropriateness for minor works, the administrative official must follow the detailed standards adopted by the commission. The administrative official may not deny certificates of appropriateness for minor works; if the application cannot be approved, the official must refer it to the commission.

Delay of Demolition or Relocation

When a property owner wants to demolish or move a building or structure that is a landmark or is in a historic district, the commission cannot deny a certificate of appropriateness for the demolition or relocation (unless the building is deemed to be of statewide significance, as described below). However, the commission may be authorized to delay demolition or relocation for up to one year (365 days) from the date the application for a certificate of appropriateness is approved. The purpose of the delay is to allow consideration of preservation options.

When a property owner proposes to demolish a historic property, the commission is tested in the eyes of the public. If the commission chooses to delay demolition, it is required by law to actively seek a means of preserving the property. A demolition delay that accomplishes nothing will alienate local property owners, who will view the delay as pointless. On the other

hand, working out a preservation solution for the endangered property will reap public relations benefits for the commission.

Exception for Properties of Statewide Significance

State law makes an exception for demolition or relocation of properties determined by the State Historic Preservation Officer to have statewide significance. The commission may deny a certificate of appropriateness for demolition or relocation of such a property, but only if the ordinance establishing the commission specifically gives it this power.

Waiver or Reduction of the Delay Period

Delay of demolition or relocation is at the commission's discretion. However, state law specifies two circumstances in which the commission ***must*** waive or reduce the delay period:

- The commission finds that the property owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from the property because of the delay.
- The commission finds that a building or site within a historic district has no special significance or value toward maintaining the character of the district.

The standard of "extreme hardship" applies only to the effect of a ***delay*** of demolition or relocation. The standard of "extreme hardship" should be interpreted according to the normal meaning of these words. It is ***not*** the same as the "practical difficulties or unnecessary hardship" standard used by boards of adjustment in applying zoning ordinances.

Demolition by Neglect

Local health, building, and housing codes usually establish basic standards for maintenance of buildings. In addition, the local governing board may enact an ordinance to prevent the demolition by neglect of any designated landmark or of any building or structure within a designated district. The ordinance must provide safeguards to protect property owners from undue economic hardship.

Properties and Districts Proposed for Designation

If the commission has voted to recommend designation of a landmark or a district, but final designation has not been made by the local governing board, the commission may delay demolition or relocation of the proposed landmark or of properties within the proposed district for up to one year or until the local governing board takes final action on the designation, whichever occurs first. The commission has this authority only if it is expressly provided in the ordinance establishing the commission.

Negotiation During the Delay Period

During the delay period, the commission ***must*** negotiate with the owner and others to try to find a way to preserve the property. Such efforts should begin immediately. If a commission delays demolition but waits until the end of the delay period before seeking a solution, it does a disservice not only to the property owner but to the entire preservation community, whose efforts are damaged by the resulting poor public relations.

The first step toward finding a solution is to develop a list of viable preservation alternatives and to contact other preservation organizations, such as local nonprofit preservation organizations, Preservation North Carolina, or the State Historic Preservation Office, for technical information and advice. Many historic properties in North Carolina have been saved from destruction during demolition delays; however, success depends on problem-solving approaches and collaboration.

The commission may explore possibilities such as these with the property owner:

- Alternatives to demolition or relocation, such as finding another compatible use for the building, taking advantage of the federal tax credit for rehabilitation of income-producing property, or seeking grant funds for rehabilitation.
- Acquisition of the property by a party that will preserve it.
- Amelioration of the effects of demolition, such as removal of the building to another site, salvage of major building elements, or detailed recording of the building in drawings, photographs, and other documentation.
- Amelioration of the effects of relocation, such as removal of the building to an appropriate site and detailed recording of the building at its present site.

The commission may consult with private civic groups, interested citizens, and other public boards or agencies. If the commission is authorized to acquire property, it may consider buying the property either to operate or to resell. If the property is important enough to the community, the commission may recommend that the local governing board purchase it or acquire it by eminent domain.

Appeals

Anyone may appeal the commission's decisions to the local zoning board of adjustment. Appeals must be made within the time limit specified in the rules of procedure.

In an appeal, the board of adjustment only reviews the record of the commission's decision; it does not hear any new evidence. If reasonable evidence exists in the record to support the commission's decision, the board of adjustment must affirm the decision. Further appeals may be taken to the county superior court.

In cases involving property owned by the state of North Carolina or its agencies, appeals may be taken to the North Carolina Historical Commission, whose decision is final and binding.

Compliance

Unauthorized alterations to a designated landmark or a property in a historic district violate the terms of designation ordinance and are handled in the same way as violations of other ordinances and zoning regulations.

Enforcement of Designation Ordinances

If a designated landmark or a property in a historic district is or is about to be altered, removed, or destroyed, and the owner has not obtained or complied with a certificate of appropriateness, the commission may seek a court order to prevent or correct the unlawful act. Remedies may also include fines and jail sentences.

The building inspector or zoning administrator is responsible for enforcing landmark or district designation ordinances. If the commission discovers a violation, it should work with local zoning and building officials and the city or county attorney in determining how to proceed.

Prevention of Violations

The best way to prevent violations is to cultivate good working relationships with owners of historic properties. The commission not only should keep the owners informed of its design guidelines and procedures but should seek to educate the owners and the general public about the importance and value of landmarks and districts.

It also is crucial for the commission to maintain good working relationships with the local government officials who monitor compliance with designation ordinances and certificates of appropriateness, such as the building inspector, the zoning administrator, and the traffic engineer. Commission members should be well informed about the building code and the zoning ordinance. In particular, members should interact with the officials who process building permit applications and monitor building code compliance; the commission should solicit their advice on coordinating historic preservation enforcement with local permitting processes.

9

Preservation Planning

To guide local preservation activities, the commission should develop a preservation plan that does these things:

- Identifies local historical resources and evaluates them in their historical context.
- Sets forth local preservation goals and priorities.
- Proposes local preservation policies.
- Proposes measures for preservation of specific areas and properties.

The plan may be developed by the commission and its staff, the local planning staff, or preservation consultants, possibly with help from volunteers. Funding can come from the local governing board or be raised from other public or private sources.

Historic preservation planning is most effective when it is integrated with the community's overall planning for land use, economic development, and growth management. The local governing board should be encouraged to involve the historic preservation commission in developing a long-range preservation plan as an element of the local government's official comprehensive plan. As part of the comprehensive plan, a preservation plan has equal status with other plan elements, such as planning for land use, housing, transportation, and other public facilities.

The commission should work closely with the local governing board, the city or county manager, the planning board, the public works department, the city or county attorney, and other local government bodies to ensure that development plans are sensitive to local historical resources. The commission also should involve the general public in the preservation planning process through hearings and opportunities for public comment.

The commission should consider publishing the preservation plan, together with the inventory of local historical resources. A summary of the plan and its recommendations should be published and circulated widely. The plan should be reviewed and revised periodically.

Identification and Analysis of Local Historical Resources

The first step in preparing a preservation plan is an inventory of local historical resources. As discussed in Chapter 5, all historic preservation commissions are required to undertake such an inventory. The preservation plan should summarize and analyze the inventory, placing the resources in their historical context and evaluating them against stated criteria for historical significance.

The following information should be included in the plan:

- An overview of the community's prehistory and history, including its patterns of growth and development.
- More-detailed histories of the inventoried historical resources.
- Descriptions of the architectural and townscape characteristics of historic buildings and groups of buildings in various neighborhoods.

Much historical information can be drawn from such sources as county or city histories and old photographs and maps. The analysis should describe how individual historical sites relate to each other and to the overall environment, including natural and man-made landscape features, vistas, and land uses. Maps should be provided. The buildings and sites listed in the inventory should be categorized according to their historical, architectural, prehistorical, or cultural significance and their place in the overall environment. Preservation measures already taken should be described.

Preservation Goals and Priorities

Next, preservation goals and priorities should be established, reflecting community consensus and taking into account existing or anticipated threats to the historical resources and such issues as real estate market pressures, the potential for tourism, development trends, and community appearance issues. The plan should address both overall goals for the community and goals for specific areas or properties identified in the inventory.

Threats to historical resources typically include pressure for development of commerce and industry, housing, transportation, and other public facilities. Historic areas might be threatened by indiscriminate new construction or inappropriate renovation. Older buildings often also are threatened by decay through neglect, especially in economically depressed areas.

It is important that the commission develop a sense of priorities and come to some conclusions about which buildings are essential to preserve, which are desirable, and which are unimportant. However, these priorities should not be casually disclosed, because the result is, in effect, to issue a "hunting license" for all buildings not regarded as essential.

The preservation plan also should specifically address the following issues:

- Adaptive use of historic buildings.
- Retention of the settings of historic buildings, structures, and objects.
- The impact of traffic and parking on historic areas and landmarks.
- Sensitive design of public works and private development in historic areas and in the vicinity of historic landmarks.
- Provision of public facilities that enhance the attractiveness and accessibility of historic areas.

Preservation Measures

Finally, the plan should assess the preservation tools available to local government, recommend policies that will further the general preservation goals, and recommend measures for preservation of specific areas and buildings. Recommendations of preservation measures should spell out not only what needs to be done but who should do it and within what time frame. To the extent possible, the plan should spell out financial considerations such as capital or maintenance costs, tax consequences, and possible funding sources.

Recommendation of specific preservation measures should be the last step in the planning process, not the first. Preconceived notions of how best to preserve local historical resources may be overturned by the inventory and analysis. Local designation often is most effective in conjunction with other preservation tools or other community development or revitalization measures. In some cases, other preservation tools may be more appropriate than local designation.

In determining the most appropriate measures for preservation of specific areas and properties, the commission should consider what specific actions or controls are needed to make historic buildings or areas livable and economically self-supporting. Tools available to ensure or encourage preservation of areas and properties include regulation, administrative actions, economic incentives, encouragement of private initiative, and public or private acquisition of ownership rights. In recommending preservation measures, the commission should look for ways in which preservation can be incorporated into strategies for accomplishing other community planning goals.

Regulatory and Administrative Tools

The commission usually will be authorized to recommend adoption of local ordinances to protect historic properties and areas. However, regulation of private property is just one approach to preservation. The following measures also may be taken:

- Coordination of the work of the preservation commission with that of the local planning agency, perhaps through an exchange of minutes or through periodic joint meetings.
- Provision of advice or technical help to the local government on its acquisition, use, and maintenance of historic properties.
- Establishment of a "commenting" role for the preservation commission in cases where new development threatens historic buildings or archaeological sites.
- Routine provision of advice to the local governing board and planning agency on zoning matters that may affect historical resources.
- Provision of technical advice with regard to building, housing, and other codes that may affect historic buildings.

The local governing board can encourage preservation of historic areas through measures to enhance their use by the community. Historic areas can be provided with special street and sidewalk paving, lighting, signs, benches, and other fixtures appropriate to their character. For example, historic commercial districts can be provided with public services and facilities such as parking lots, visitor information centers, public telephones, and rest rooms.

Economic Incentives

The local governing board may provide economic incentives for preservation, through neighborhood improvement loans and grants, redevelopment financing, and economic development programs. To the extent permitted by federal and state law, the local governing board may also provide tax incentives for rehabilitation or restoration projects.

Statewide or National Recognition of Properties or Districts

As appropriate, the preservation commission may recommend nomination of properties or districts for listing in the National Register of Historic Places or certification of locally designated districts by the National Park Service as meeting National Register criteria. As discussed in Chapter 7, these measures may make available federal tax credits for rehabilitation of income-producing properties.

Public Education and Encouragement of Private Initiative

Private action to preserve historical resources may be encouraged through public education programs. The commission may actively encourage architecturally sensitive uses, restoration, or maintenance of historic buildings by private developers and seek developers for adaptive reuse of vacant or underused buildings. It may establish a program to encourage donations of historic properties or easements.

Cooperation between preservation commissions and local nonprofit preservation organizations is a promising approach. Such organizations can raise funds for preservation activities, operate revolving funds for purchase of threatened properties, and conduct educational programs. Such activities may also be undertaken in cooperation with Preservation North Carolina, a statewide nonprofit organization.

Acquisition

The best way to preserve a particular significant historic property may be by acquisition, either in fee simple or in some lesser interest (as described in Chapter 11). If the property is appropriate for use as a public facility, or if its significance is such that it should be made a museum, it might be acquired and operated by local government. If the goal is simply to ensure the property's preservation, the commission might recommend that the property be acquired by a revolving fund for historic preservation or that the commission itself acquire an interest in the property.

10

Public Education and Public Relations

The effectiveness of local historic preservation efforts depends greatly on public awareness of and support for preservation goals. The commission may be authorized to conduct an educational program on historic properties and districts within its jurisdiction. Education programs may be funded by the local governing board or through other public or private sources.

In its public education and public relations efforts, the commission should strive to broaden public awareness of historic preservation in general and local historical resources in particular. It should seek to establish itself as a credible local source of information about the goals, practices, and procedures of historic preservation. In this capacity, the commission should coordinate its activities with those of other local organizations concerned with historic preservation, growth management, and improvement of the environment.

Public Education

The general public's lack of awareness of the value of local historic properties and neighborhoods is a major threat to historical resources. Education of the public about the community's historical resources is an important preservation tool.

In planning public education efforts, the commission should coordinate its activities with those of other organizations, such as historical or preservation societies, arts councils, and conservation organizations, to prevent duplication of efforts, to pool resources, and to ensure that the programs of various groups complement each other.

For public education efforts to be successful, presentations or educational materials must be interesting to the general public. Especially important is the distinction between education about preservation and education about the commission. Preservation is a fascinating subject for many audiences, especially when accompanied by good visual material. A presentation about the commission's mechanics, however, may be interesting only to particular audiences requesting such information. The commission can best promote itself by promoting preservation.

Materials and speakers to educate the public about preservation are available from many sources. Speakers from neighboring cities and towns can provide preservation success stories and suggestions from their experiences. Preservation North Carolina and the State Historic Preservation Office will provide speakers or suggestions about sources of interesting educational materials.

Presentations

The commission should seek opportunities to make presentations to local civic groups, churches, or schools. Knowledgeable and enthusiastic speakers can be recruited from among commission members and staff or volunteers. The commission may collaborate with local historical, archaeological, or preservation societies in developing presentations, including slide shows or videotapes. Presentation topics might include local historic properties, preservation techniques, local restoration projects, or adaptive use of historic properties.

Heritage education for students in public schools provides an excellent public relations opportunity for the commission. By participating in heritage education when fourth- and eighth-graders study North Carolina history, the commission can help to cultivate a younger generation of preservationists. Teachers in local schools welcome the assistance of commission members, and local businesses may provide support for heritage education activities. Heritage education materials developed by Preservation North Carolina on a statewide basis can be used in the classroom and can be adapted for showing to civic groups.

Publications

Publications can provide information about commission functions, publicize commission activities, and educate the public on a wide range of preservation-related topics. Publications need not be elaborate or expensive; their size and scope will depend on the goals and funding of the commission's publications program.

Official Commission Documents

The following information and documents should be made readily available to the public in an attractive, accessible form:

- the inventory of local historical resources
- the procedures for designation of properties or districts
- the design guidelines
- the procedure for applying for a certificate of appropriateness
- the local preservation plan or the preservation elements of the comprehensive plan

Other Informational Materials

The commission also should consider producing brochures, fact sheets, or more elaborate publications on such topics as these:

- the commission's function
- the availability of commission advisory services
- local historic landmarks
- local historic districts
- local architectural history

- self-guided walking tours of historic districts
- specific preservation projects
- city, town, or county history
- commemoration of important community anniversaries

The commission should consider how best to package and present preservation information to meet the community's needs. For example, it could create a property owner's manual, covering design guidelines, local architectural styles, and techniques for repair and maintenance of historic buildings. Another way to make preservation information accessible is to develop a local preservation resource shelf at the public library, which would include commission publications and related references.

Commission Newsletter

The commission may publish its own newsletter, circulated to owners of historic properties, members of local preservation or historical societies, and others who have expressed interest in receiving information on preservation. Newsletter items might include reports of commission activities, a calendar of commission meetings and other preservation-related events, educational articles, features on specific properties, articles on repair and restoration techniques, interviews with local preservationists, and news of changes in preservation regulations or guidelines.

A well-executed newsletter can be a strong public education tool. By regularly reminding the public and property owners of the commission's activities and achievements, a newsletter can simultaneously remind property owners of their obligation to seek approval for alteration of their properties. By recognizing property owners for fine preservation work, the newsletter can present the commission in a positive light, as friends and advisors, rather than as regulators.

Other Public Awareness Programs

In addition to presentations and publications, the commission can use the following formats to educate the public about historic preservation:

- Well-designed, informative signs marking historic landmarks and districts.
- Walking tours of historic neighborhoods, organized in collaboration with neighborhood associations, historical or preservation societies, or educational institutions.
- An awards program to recognize and publicize especially significant or innovative local preservation activities.

An awards program can be a way of promoting good relations with the owners of properties regulated by the commission, as well as obtaining positive publicity for preservation efforts. Cosponsoring an awards program with a local nonprofit organization will build closer working relations between the commission and its nonprofit peer.

In an awards program, the number of awards given should be limited, so that they are prestigious. Bringing in a preservation expert from outside the community to judge the candidates and present the awards further enhances the prestige of the awards. By making the awards presentation a special event, the commission can attract coverage by local news media.

Generally, tongue-in-cheek negative awards, such as for "the worst remuddling" or for demolition, are counterproductive. They tend to generate hard feelings and negative press.

Public Relations

The commission should take the initiative to establish and maintain constructive relations with the general public, local government officials, and the owners of historic properties in the community.

Community Relations

The commission should actively foster a receptive climate for historic preservation in the community by promoting its economic and environmental benefits. The commission can enhance community relations by taking a positive approach, emphasizing preservation planning, rather than a reactive approach of responding only when resources are threatened.

It is essential that the commission recognize community concerns and values and work with residents to help ensure that preservation efforts truly benefit the community. The commission should be prepared to address issues and concerns raised by the public with respect to policies, guidelines, or proposals.

Relations with Local Government

Good communications and relations should be developed with the various departments of local government whose programs affect historic landmarks and districts. Commission members should attend city or county board meetings regularly. They should be aware of actions pending before these boards that have implications for preservation. The commission should regularly provide local government officials with background information on the historical, architectural, or archaeological significance of areas or buildings under discussion. An annual work meeting with the local governing board helps increase the board's understanding of and support for the commission's work.

It is inadvisable for commission members to take political stands on issues that might antagonize members of the local governing board. Often, a local nonprofit organization may be able to take an advocacy role on issues that may be controversial.

Relations with Property Owners

The commission should establish and maintain contact with owners of historic properties, both to keep them informed of commission procedures

and guidelines and to foster cooperation. The commission should strive to be viewed by property owners as a provider of assistance and technical information about preservation.

Periodic mailings to owners of historic properties help keep them aware of the commission's role and activities. The commission may also consider establishing a service to provide individual owners with information about their historic properties, drawing on the inventory of local historical resources.

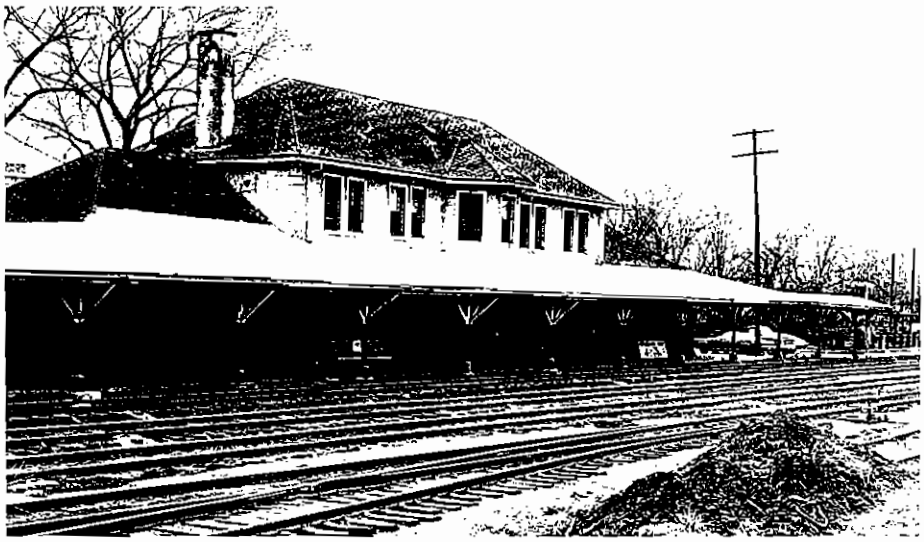
The commission may wish to designate a committee to consult with property owners who are planning alterations of historic properties or new construction within historic districts. Such a committee may include commission members or volunteers with training in design disciplines.

Media Publicity

In coordination with the local government's public affairs office, the commission should seek local media publicity about preservation activities. Press releases and public service announcements about commission activities should be prepared regularly and distributed to local newspapers and radio and television stations. The commission should designate a spokesperson who is easy to reach and can be contacted for follow-up information.

Newspapers may be persuaded to run feature articles on local preservation activities. Publicity workers should try to interest reporters in story possibilities or submit articles and pictures to be considered for publication. For example, a newspaper may run a series of articles on local historic properties or establish a regular column on preservation.

McMullan Building, Elizabeth City. *The Elizabeth City Historic District Commission helped find a buyer for this historic commercial building owned by Preservation North Carolina, which sold it under protective covenants.*



Charlotte Railroad Station. *In 1992, approval of a $1 million local bond issue enabled the Charlotte-Mecklenburg Historic Landmarks Commission to establish a revolving fund for preservation. Derelict for many years, the Charlotte Railroad Station was bought by the fund in 1993 and resold under protective covenants for adaptive use.*

11

Acquisition and Management of Historic Properties

A historic preservation commission may be authorized by the local governing board to acquire, dispose of, restore, preserve, manage, and operate historic landmarks or properties in historic districts. The commission may acquire buildings, structures, sites, or objects, and the land on which they are located.

The commission may acquire any kind of legal interest in a property, including the following:

- *Fee-simple ownership*: acquisition of all ownership rights.
- *Leasehold interest:* possession of the property of another for the duration of a lease.
- *Remainder interest:* ownership after the death of a person who has lifetime use of a property.
- *Easement:* a limited interest in the property of another for a certain purpose.
- *Covenant:* an obligation on the owner or lessee regarding use of the property.

A commission involved in acquiring, restoring, or managing historic properties will need staff support, especially for restoration or operation of properties, and legal assistance, especially in specialized areas such as acquisition of historic preservation easements. The local governing board may make funds available to the commission for these preservation activities, or the commission may raise funds from other public or private sources, subject to local fiscal control requirements.

Acquisition or Lease of Properties

If authorized by the local governing board, the commission may acquire a property in fee simple by purchasing it or by receiving it as a gift. The commission may continue to own and manage the property, or it may sell it, lease it, or exchange it under restrictions ensuring that the property will be preserved. The commission also may lease properties from their owners.

Operation and Management of Properties

Continued ownership of historic properties carries management responsibilities and costs, including costs of restoration, long-term maintenance, property and liability insurance, and day-to-day operation. If a property is operated as museum, public access must be provided, as well as displays and staff. The commission also should keep in mind that properties it acquires are removed from the local tax rolls, resulting in an indirect cost to

local government. To cover the costs of property ownership and management, the commission must have substantial and dependable sources of revenue.

Property ownership can help the commission gain visibility and generate public interest in preservation. However, it can also dominate the commission's efforts. Ownership of property by the commission is most likely to gain the necessary financial and community support if the property will be used regularly by the community. For example, the commission may wish to work jointly with the local governing board to rehabilitate historic properties for use as local government offices or other public facilities.

Revolving Funds

A revolving fund for historic preservation purchases historic properties for resale, with the proceeds going back into the fund to be used for future purchases. A historic preservation commission may act as a revolving fund if it can obtain initial funds and receive authorization from the local governing board to use the money for this purpose.

Two approaches have been used in operating revolving funds for historic preservation:

- Buying properties, restoring them, and reselling them with preservation restrictions.
- Buying properties and reselling them under preservation restrictions that obligate buyers to restore and preserve them.

A highly effective use of preservation funds can be to purchase properties and sell them under restrictive covenants that specify preservation plans. This approach requires a smaller investment than restoring the property before reselling it.

Operating a revolving fund requires expertise in real estate. Commission members interested in revolving funds should consult publications on this subject. Preservation North Carolina has published a *Handbook for Revolving Funds,* which contains much of the technical information required for operating a revolving fund. The National Trust for Historic Preservation also has published an information sheet on revolving funds.

Even if the commission is authorized to operate a revolving fund, it may find that because of governmental limitations on procurement and disposition of real estate, a revolving fund can be operated more effectively by a nonprofit organization. Working jointly with a local nonprofit preservation organization may be the best way for a commission to achieve its preservation purposes in dealing with real estate.

Remainder Interest

If Property Owner A grants a property to Person B for B's lifetime, with ownership to go to the historic preservation commission when B dies, the commission owns a "remainder interest," and Person B owns a "life estate." When B dies, the commission owns the property in fee simple.

A property owner may wish to grant the commission a remainder interest in order to take a federal and state income tax deduction for the value of the remainder interest. If the property has a large development potential, the deduction may be substantial.

Leases

A historic preservation commission may lease to another party a property that it owns in fee simple. By leasing a property under a restrictive covenant, the commission retains control over it while generating income to offset the expenses of owning and maintaining the property.

A commission also may lease a historic property from its owner. Such a lease can be an important step in ensuring that the property is preserved.

Preservation Agreements

The commission may use preservation agreements—easements and protective covenants—to ensure long-term preservation of a historic property in active use. By acquiring an easement, the commission may, with the owner's consent, obtain some control over alterations to a property it does not own. This approach spares the commission the costs of outright ownership and leaves the property on the tax rolls. Similarly, covenants provide a way for the commission to retain control over properties it sells or leases.

Preservation agreements can prohibit changes to exterior or interior features of buildings or to important landscape features, and they can prohibit property uses that are not historically appropriate. They also can be used to require actions by the property owner.

For example, an easement or covenant may require the commission's written approval before any alteration is made to a building's exterior appearance, any new structures are built or moved onto the premises, any structures are demolished or removed, or specified interior details are altered. It may require the owner to restore the property according to a specified plan by a certain date or to give the commission the right of first refusal when the property is sold. An easement or covenant may be used to require that the public be given access to view the property a certain number of days each year.

Preservation agreements are legally enforceable and can offer considerable protection beyond that provided by landmark or district designation. For example, restrictions can prohibit demolition, rather than merely delay it, and can go further in limiting alterations to interiors of properties. Legal remedies are available for violation of the terms of easements and covenants.

Easements and covenants are highly technical legal tools. A commission interested in using these tools should consult the many national publications that provide current information on preservation agreements. It should also consult the city or county attorney.

Historic Preservation Easements

An easement is created when a property owner places restrictions on the use of the property by himself and all future owners of the property. The commission may purchase a preservation easement or receive it as a gift. Ownership of the property itself does not change. An easement may be perpetual or have a shorter specified term, and it may impose present, future, or continuing obligations. The restrictions on the property are negotiated between the property owner and the commission. The easement is recorded with the register of deeds and runs with the title to the property, affecting all subsequent owners.

If the restrictions on the property reduce its value for tax purposes, the property owner who sells or donates an easement can save on property taxes, capital gains taxes, or estate taxes. For example, if the historic property is located on land with development potential, an easement limiting development may result in significant property tax savings. If, on the other hand, the easement has little or no effect on the property's potential uses, the assessed value may not change.

A property owner who donates a preservation easement may be able to take a charitable donation deduction from federal and state income taxes based on the reduction in property value resulting from the easement. To qualify, the easement must provide for the preservation in perpetuity of "historically important land areas or a certified historic structure," which means that a property must be listed in the National Register of Historic Places or certified as contributing to the significance of a listed historic district before the date the tax return is filed.

Protective Covenants

Covenants are similar to preservation easements; however, a covenant is inserted when a property is transferred from one owner to another. When a commission sells or leases a historic property, it should put protective covenants into the deed or include them in the lease agreement. In the case of a leased property, a covenant may require the commission's approval for subletting or assignment of the lease.

As with preservation easements, any change in the value of the land resulting from a restrictive covenant is considered in property tax assessments.

12

Commission Administration

A historic preservation commission is a regulatory body with specific legal responsibilities. To ensure that the commission meets these responsibilities, it needs a clear organizational structure, with administrative and operational duties of commission members and staff clearly defined.

The commission may be funded through appropriations from the local governing board, and it may be authorized to receive funding from other public or private sources. Whatever the source of the commission's budget, the commission must comply with local government fiscal control and budget acts and be able to publicly justify its expenditures.

Personnel

The commission may make recommendations to the local governing board about arrangements for its staffing or for obtaining technical services. Administrative and clerical tasks for the commission may be performed by commission members, by paid commission staff, by volunteers, and by consultants. The commission may be authorized to contract for services from the State of North Carolina or federal agencies or departments and to obtain assistance from other units of local government.

The need for staff, volunteer, and consulting support depends on the scope of the commission's activities and the availability of expertise from commission members.

Responsibilities and Training of Commission Members

Commission members fulfill their basic responsibilities—recommendation of preservation measures to the local governing board, regulation of changes in appearance of historic landmarks and properties in historic districts, and planning and oversight of other commission activities—through participation in official commission meetings and hearings.

Commission members are expected to spend preparation time outside of meetings, to gain thorough understanding of the issues on which they must act. It is the responsibility of every commission member to become familiar with the statutes and regulations governing local preservation activities, the ordinance establishing the commission, and the commission's own guidelines and procedures. Commission members also must become familiar with their community's historical resources.

Commission members, especially those without professional experience or training in preservation-related fields, should be encouraged to enrich their knowledge of history, architecture and design, preservation techniques, and preservation planning through participation in courses and workshops.

Commission members with the time and appropriate skills may be personally involved in such activities as surveying of historical resources, preservation planning, preparation of commission publications, development of public relations and public education programs, or acquisition and management of historic properties. Individual commission members may take responsibility for specific program areas and report to the full commission on program status.

Staff

Clerical and administrative support and technical assistance may be provided by paid staff assigned to the commission. Commissions often share staff with other local government bodies, such as the planning board or community appearance commission. Legally required commission tasks, many of which are clerical, are best assigned to paid staff members. Often, a local government staff member is made the commission's ex officio secretary to manage clerical support to the commission.

Key administrative and clerical duties include processing of applications for certificates of appropriateness and legally required notifications and submissions. Commission records, including minutes of meetings and records of hearings, must be maintained in such a way as to be available for public examination. In addition, procedures for handling and recording receipt and disbursal of commission funds must be established and followed, in conformance with local government fiscal control requirements.

The need for staff support depends on the scope of the commission's activities. For instance, a commission that restores and operates historic properties will need more staff support than a commission not involved in this kind of preservation activity.

Volunteers

Volunteer assistance is best used for special projects, rather than regular administrative and operational tasks. As volunteers are giving freely of their time, they cannot be compelled to complete tasks or meet deadlines. Therefore, legally required tasks, such as keeping of minutes or notification of property owners, should be reserved for paid staff.

Volunteer help is most useful for long-term or open-ended tasks, special short-term projects, or consultation and advice. The following are examples of projects that lend themselves to volunteer efforts:

- educational presentations
- publication projects
- information services for property owners
- public relations campaigns
- fund-raising projects
- rehabilitation projects
- research projects

- projects to update files
- advisory committees

A commission should be able to find use both for the services of expert or highly skilled volunteers, such as professionals in preservation-related fields, and for less-specialized help. Good sources of volunteers include local historical, preservation, or conservation organizations, local educational institutions, and retirement service organizations.

Consultants

The commission may need to hire consultants with special expertise. For example, a consultant in architecture or architectural history may be needed to assist in development of design guidelines, to develop reports on proposed landmarks or districts, or to develop a preservation plan. The State Historic Preservation Office can provide the commission with information on individuals and firms offering particular services.

In hiring consultants, the commission must follow required local government purchasing procedures. The commission should define precisely what services will be performed, who will perform them, what they will cost, and when the work is to be completed.

Consulting firms generally are asked to submit proposals to provide the needed services. The commission's request for proposals describes the scope of the work and requests descriptions of the following:

- The consulting firm's corporate experience in performing similar work, including examples of previous work, as appropriate.
- The qualifications and experience of the individuals who will perform the work.
- The proposed approach to the work, including time frame, progress reporting, and specifications for deliverable items.
- The cost, itemized to identify costs of labor, materials, and travel.

The commission should establish in advance a mechanism for evaluating proposals and for weighting the factors listed above, conforming to legal requirements.

The work of consultants needs to be coordinated with the activities of the staff and commission members. A designated commission or staff member should administer the contract and serve as official liaison between the consultant and the commission.

Interaction with Other Local Government Bodies

In fulfilling its legal responsibilities, the commission cooperates closely with local government officials, especially the city or county attorney, the planning board, the building inspector or zoning administrator, the public works director, the economic and community development director, the local housing authority, and the county tax supervisor. These officials should be consulted about all commission actions in which they will be involved or in which their knowledge is useful.

In addition, the commission may be authorized to coordinate with local government bodies to offer or request assistance, aid, guidance, or advice on matters related to historic preservation.

Budget and Funding

The commission should follow established procedures to request an annual appropriation from the local governing board. The commission may be authorized to seek and receive funding from other public and private sources, as described below. Whatever its level of funding by the local governing board, the commission should prepare an annual budget, accounting for all sources of income and all expenses.

Commission Expenses

Regular operating expenses include costs of staff, stationery, postage, photocopying, photographic materials and processing, travel, conference or workshop registration, commission publications, and resource materials, such as reference books and publications from other preservation organizations. The commission may need to purchase tape-recording or projection equipment.

If the commission shares staff with other local government bodies, staff costs may not appear in the commission's own budget. In such cases, the commission may wish to have a written commitment specifying the portion of staff time that will be devoted to support of the commission. Commissions with significant programs in public education or in acquisition and management of historic properties will have additional expenses.

If no inventory of local historical resources has been made, a commission will need funding to undertake an inventory. A commission, possibly in partnership with a local nonprofit organization, may seek grant funding for this purpose or may ask the local governing board to commit funds.

The commission's budgeting and planning processes must be closely linked. It is important that budget requests be based on actual anticipated expenses and that funds be spent on the purposes for which they are budgeted.

Sources of Funding

In addition to appropriations from the local governing board, the commission may be authorized to obtain funds from these sources:

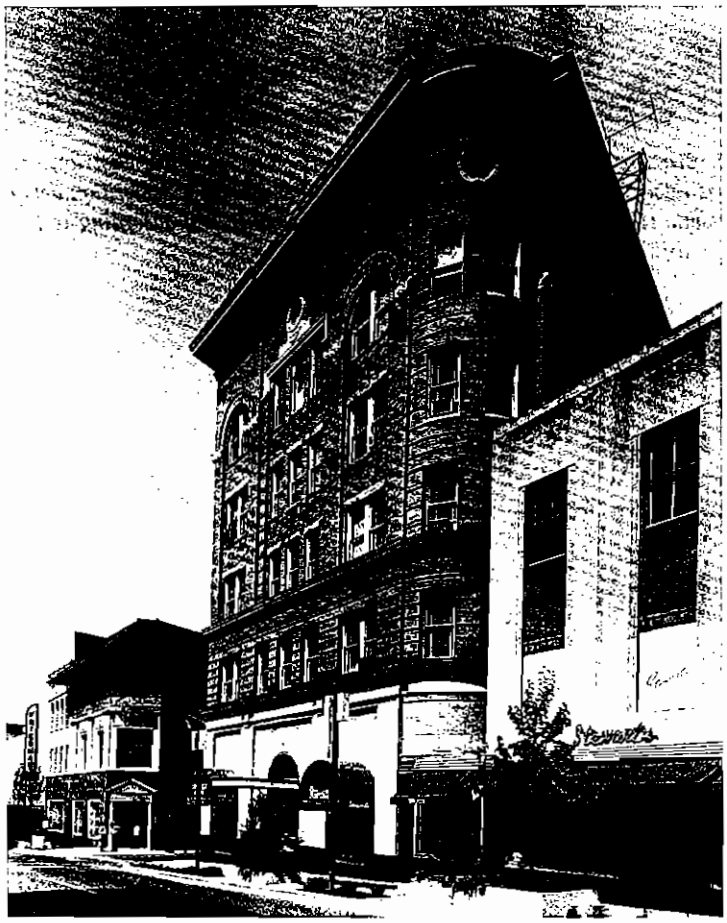
- grants from federal, state, and local government agencies, private foundations, and nonprofit organizations
- contributions, gifts, and bequests
- fund-raising operations and events

Acceptance and use of these funds are subject to the requirements of the local government fiscal control act.

Federal and state funds sometimes are available to local governments for technical and educational preservation projects. If funds for special projects are not available from government or foundation sources, the commission might consider approaching local sponsors or holding its own fund-raising events, such as sales, auctions, tours, or shows.

Annual Report

The commission should summarize its activities and achievements and its expenditures in an annual report to the local governing board. The report may also assess current issues and describe plans for the future. Products of commission activities, such as publications, inventory materials, or documentation of landmark or district designations, should be included with the report and made available for public inspection.



Downtown Durham. *Through the design review process, the Durham Historic Preservation Commission plays an active role in the rehabilitation of buildings in the Downtown Durham Historic District, a major urban central business district that was locally designated in 1989.*

Lowenstein House, Statesville. Located in the Mitchell College Historic District, the Lowenstein House was relocated by Preservation North Carolina during a demolition delay imposed by the Statesville Historic District Commission and rehabilitated according to the commission's design guidelines.

Brickenstein-Leinbach House, Winston-Salem. Prolonged efforts by the Winston-Salem Historic District Commission resulted in the restoration of the Brickenstein-Leinbach House after it was relocated a short distance from its original site. Designed by Frank P. Milburn, the house is associated with an important Moravian family.

For More Information on Historic Preservation

These organizations and agencies can furnish additional information on historic preservation.

National

Advisory Council on Historic Preservation	1100 Pennsylvania Ave. NW, Suite 809 Washington, DC 20004	202-786-0503
American Institute of Architects	1735 New York Ave. NW Washington, DC 20006	202-626-7300
American Planning Association	1776 Massachusetts Ave. NW, Suite 704 Washington, DC 20036	202-872-0611
American Society of Landscape Architects	4401 Connecticut Ave. NW, 5th Floor Washington, DC 20008	202-686-2752
National Alliance of Preservation Commissions	Hall of States 444 N. Capitol St. Washington, DC 20001	706-542-4731
National Center for Preservation Law	1333 Connecticut Ave. NW, Suite 300 Washington, DC 20036	202-338-0392
National Preservation Institute	401 F Street NW Washington, DC 20001	202-393-0038
National Trust for Historic Preservation	1785 Massachusetts Ave. NW Washington, DC 20036	202-673-4000
Preservation Action	1350 Connecticut Ave. NW, Suite 401 Washington, DC 20036	202-659-0915
Small Towns Institute	P.O. Box 517 Ellensburg, WA 98926	509-925-1830

Regional

Southeast Regional Office, National Park Service	75 Spring St. SW Atlanta, GA 30303	404-331-2635
Southern Regional Office, National Trust for Historic Preservation	456 King St. Charleston, SC 29403	803-722-8552

State

Conservation Trust for North Carolina	P.O. Box 33333 Raleigh, NC 27636	919-828-4199
Preservation North Carolina	P.O. Box 27644 Raleigh, NC 27611	919-832-3652
Division of Archives and History, North Carolina Department of Cultural Resources	109 East Jones St. Raleigh, NC 27601-2807	919-733-7305
Eastern Office	117 West 5th St. Greenville, NC 27858	919-830-6580
Office of State Archaeology	109 East Jones St. Raleigh, NC 27601-2807	919-733-7342
State Historic Preservation Office	109 East Jones St. Raleigh, NC 27601-2807	919-733-4763
Underwater Archaeology Unit – Fort Fisher	P.O. Box 58 Kure Beach, NC 28449	919-458-9042
Western Office	1 Village Lane, Suite 3 Asheville, NC 28803-2677	704-274-6789