



**DATE:** December 18<sup>th</sup>, 2018  
**CASE:** TA-13-18 – Local Landmarks  
**PREPARED BY:** Scott Sherrill – Senior Planner

**SUMMARY**

**BACKGROUND:**

The Historic Preservation Commission has recommended modifications to the Local Landmark section of the CDO (9.8.3). These modifications are designed (1) to reflect that the City's existing inventories and surveys are adequate to consider local landmark requests, (2) to acknowledge that property owners may submit applications, and (3) to clarify that the Historic Commission will hear the case prior to forwarding to City Council for review. This is in keeping with a flow chart the Historic Commission has recently endorsed for process, which is also included in the agenda packet.

**RECOMMENDATION:**

Discuss, and if acceptable, make amendments or a recommendation

- A. would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provisions.

### 9.8.3 Historic Landmark Establishment

- A. Upon complying with the required landmark designation procedures set forth herein, the City Council may adopt and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.
- B. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent; otherwise the sign may be placed on a nearby public right-of-way.
- C. As a guide for the identification and evaluation of landmarks, the Commission shall use: 1.) the inventory of properties of historical, prehistorical and cultural significance established by the City of Concord in conjunction with the creation of the city's historic preservation districts and 2.) nomination materials developed for successful local landmark designations. The local inventory of historic properties shall be updated at regular intervals as resources permit.
- D. No property shall be designated as a landmark until the following steps have been taken:
  - ~~1. As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistorical, and cultural significance with Concord.~~
  - 1. An applicant shall submit or the Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. After review by the Historic Preservation Commission, such report shall be forwarded to the Division of Archives and

History, North Carolina Department of Cultural Resources.

2. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his/her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission, Planning and Zoning Commission, and the City Council shall be relieved of any responsibility to consider such comments.
3. The ~~P&Z-C~~ The Planning and Zoning Commission shall review and comment on the proposal in 60 days from the date the ~~P&Z-C~~ Planning and Zoning Commission first receives the proposal. If the ~~C~~ Planning and Zoning Commission makes no recommendation in 60 days, the matter shall be returned to the Historic Preservation Commission for further action, ~~including forwarding to the CC City Council without a recommendation its review.~~
4. The Historic Preservation Commission and the City Council shall hold a ~~joint~~ public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. Following the public hearing the Commission will forward a recommendation to the City Council regarding the proposed ordinance.
5. Following receipt of the Commission's recommendation, the public hearing(s), the City Council shall hold a public hearing on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. As a result of this hearing the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
6. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the

Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Concord City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.

7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Cabarrus County. The tax supervisor in appraising it for tax purposes shall consider the designation and any recorded restrictions upon the property limiting its use for preservation purposes.

#### **9.8.4 Permitted Uses**

The districts contain several zoning classifications. All uses permitted in any such district, whether by right or as a special exception, shall be permitted in the historic districts according to the procedures established for such uses.