

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 3 October 2005

SUBJECT: Historic Preservation Commission

ATTACHMENT(S): Draft ordinance

SUMMARY OF REQUEST:

The LGCCA has discussed a possibly multi-jurisdictional Historic Resources Preservation Commission to serve Henderson County and its municipalities. Attached you will find a draft ordinance which would establish the same.

Note that this Commission is not dependent on all of the municipalities joining, as the number of commissioners varies by the number of municipalities that join this commission.

COUNTY MANAGER RECOMMENDATION/BOARD ACTION REQUESTED:

The County manager supports this proposal.

County staff will present further information on this matter.

If the Board is so inclined, the following motion is suggested:

I move that the Board give adopt the draft ordinance regarding preservation of historic resources, subject to later revision as and when this ordinance, or substantially similar ordinances, are adopted by the municipalities of Henderson County.

An Ordinance to Provide for the Preservation of Historic Resources

Article 1

___-101 Purpose

The historical heritage of Henderson County and its municipalities is a valuable and important asset. By endeavoring to preserve historic districts and landmarks, Henderson County seeks:

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

___-102 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of Commissioners means the Henderson County Board of Commissioners.

Commissioners means the members of the Henderson County Board of Commissioners.

Historic district means an area containing buildings, structures or places which have a special character and ambiance, based on one or more of the following:

- (1) Historic value;
- (2) Notable architectural features representing one or more periods or styles of architecture of an era of history; and
- (3) The cultural and aesthetic heritage of the community, and which area constitutes a specific physical area of such significance to warrant its conservation, preservation and protection from adverse influences.

Historic property means any site, landmark, structure, artifact, above or below the ground or water, which is so designated by ordinance of either the city council or the county board of commissioners.

Resources Commission means the Historic Resources Commission of Henderson County.

Resources Commissioners means the duly appointed members of the Historic Resources Commission of Henderson County.

Article 2

___-201 Historic Preservation Commission

A. Creation

There is hereby established, by authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, a joint historic resources commission to be known as the Henderson County Historic Resources Commission ("the Commission"). The Commission shall consist of not fewer than four and not more than 9 members appointed by the Board of Commissioners as

provided below.

B. Appointment

In making appointments to the Commission, the Board of Commissioners shall appoint four members who do not reside in any municipality which adopt this ordinance, and one member who resides within the territorial limits of each municipality which adopts this ordinance. For each municipality which adopts this ordinance, the Board of Commissioners shall appoint the member who is required to reside in such municipality from a list of nominees supplied by each such municipality. At the time of original appointments to the Resources Commission, Henderson County staff shall assign each of the seats initially to a term of one, two or three years. Subsequent appointments of each of the seats on the Resources Commission shall be for a term of three years, so that after the expiration of initial appointments, the term of each Resources Commissioner shall be for three years, with the terms of approximately one-third of the membership of the Resources Commission expiring each year.

C. Qualification of Members

Each of the members of the commission shall have demonstrated experience, education or interest in history, architecture, archaeology, or related fields.

-202 Powers and Duties

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

- a. Undertake an inventory of properties of historical, prehistorical, architectural, archaeological, and/or cultural significance.
- b. Seek and secure funding and assistance as necessary and desirable to complete the inventory of properties of historical, prehistorical, architectural, archaeological and/or cultural significance.
- c. Recommend to the County and any municipalities which have adopted this ordinance individual buildings, structures, sites, areas, or objects within the respective zoning jurisdiction to be designated as "historic landmarks," and areas within the respective zoning jurisdiction to be designated as "historic districts."
- d. Recommend to the County and any municipalities which have adopted this ordinance proposed ordinances regarding historic landmarks, historic districts, and amendments to the same, as requested by the Board of Commissioners or by the governing board of any such municipalities. It is anticipated that each of the County and any municipalities which have adopted this ordinance may due to their unique characters and natures have different ordinances regarding historic landmarks and historic districts, with differing degrees of protection of the same, and any recommendations from the Resources Commission shall be guided by the Board of Commissioners or by the governing board of any such municipalities.
- e. Recommend to the County and any municipalities which have adopted this

ordinance that designation of any area as a historic district or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause.

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

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

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

i. Conduct an educational program on historic landmarks and districts within the county.

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

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

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

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

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

o. Act as the appeal board from decisions of the staff of Henderson County or of any municipality which has adopted this ordinance regarding the enforcement of any ordinance of Henderson County or of any such municipality which designates the Resources Commission as its appeal board. For any such appeals arising from within any such municipality heard by any committee or subcommittee of the Resources Commission, the Resources Commissioner residing in such municipality shall be a member of such committee or subcommittee determining such appeal.

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