

UDO – 77
AN ORDINANCE AMENDING
CHAPTER B, ARTICLE II AND CHAPTER B, ARTICLE IV
OF THE UNIFIED DEVELOPMENT ORDINANCES

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Article IV, "Historic/Historic Overlay Districts" of Chapter B "Zoning," is hereby rewritten to read as follows:

Chapter B – Zoning Ordinance
Article IV - Historic/Historic Overlay Districts

4-1 - CREATION

Pursuant to the authority conferred by the North Carolina General Statutes (G.S.) 160A - 400.1 through 400.14, the Forsyth County Board of Commissioners, the City Council of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville, ~~and~~ the Village Council of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown (hereinafter the Elected Bodies) by concurrent ordinances, do hereby create and establish a joint commission to be known as the Forsyth County Historic Resources Commission (hereinafter the Commission). In establishing the Commission and making appointments to it, the Elected Bodies may seek the advice of State or local historical agencies, societies, or organizations. For purposes of this Article IV, County/City/Town/Village shall refer, ~~respectively,~~ to Forsyth County and the City of Winston-Salem, the Town of Kernersville, ~~and~~ the Village of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown or jointly, as the context requires.

4-2 - PURPOSE

The purpose of the Commission is to safeguard the heritage of the County, the City, the Towns, and the Village by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city of county and the State as a whole.

The historic heritage of Forsyth County is among its most valued and important assets. It is the intent of these regulations:

- ~~(A) To safeguard the heritage of Forsyth County by preserving those areas and individual properties therein which reflect elements of its cultural, social, economic, political, or architectural history;~~
- ~~(B) To stabilize and improve property values of Local Historic Landmarks and within the H and HO Districts;~~
- ~~(C) To foster civic beauty; and~~
- ~~(D) To promote the use and conservation of Forsyth County's historic resources for the education, pleasure, and enrichment of residents of Forsyth County and of the State and nation as a whole.~~

4-3 - FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County. The Commission shall consist of twelve (12) members appointed as follows: five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown; five (5) by the Winston-Salem City Council; one by the Kernersville Board of Alderman; and one by the Clemmons Village Council. ~~Commission members shall serve without compensation.~~

4-3.1 MEMBERSHIP AND ORGANIZATION

- (A) Membership and Qualification All members of the Commission shall reside within Forsyth County. All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The Commission shall consist of six (6) at-large members and six (6) categorical members. The categorical members shall include at least one each of the following categories:

~~The Commission shall consist of twelve (12) members appointed as follows: five (5) by the Forsyth County Board of Commissioners and five (5) by the Winston-Salem City Council; one by the Kernersville Board of Aldermen; and one by the Clemmons Village Council. In making appointments to the Commission, each Elected Body shall make a reasonable effort to balance the representation of urban and rural interests. All members shall have equal rights, privileges, and duties regardless of whether the matter at issue arises within the jurisdiction of Forsyth County, and the City of Winston-Salem, the Town of Kernersville, or the Village of Clemmons.~~

~~(B) QualificationsAll members of the Commission shall reside within Forsyth County. All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The Commission shall consist of six (6) at large members and at least one each of the following categories:~~

- Architect licensed in the State of North Carolina;
- Architectural historian or historic preservationist,
- Archaeologist, landscape architect/designer, planner, surveyor, or arborist;
- Historic (H) District property owner;
- Historic Overlay (HO) District property owner; or,
- Local Historic Landmark (LHL) property owner.

~~(B)-(C) Appointment of Categorical MembersThe six (6) categorical members shall be appointed as follows: The Forsyth County Board of Commissioners shall appoint one architect licensed in the State of North Carolina, one archaeologist, landscape architect/designer, planner, surveyor, or arborist, and one Local Historic Landmark (LHL) property owner; and the Winston-Salem City Council shall appoint one architectural historian or historic preservationist, one archaeologist, landscape architect/designer, planner, surveyor, or arborist, one Historic (H) District property owner, and one Historic Overlay (HO) District property owner, in accordance with regulations required by certified local government status.~~

~~(C) (D) TermThe length of the term of each initial appointment shall be as follows:~~

Forsyth County, At Large #1	1 year
Forsyth County, At Large #2	3 years
Architect Licensed in North Carolina	3 years
Archaeologist, Landscape Architect/Designer, Planner, Surveyor, or Arborist	1 year
Local Historic Landmark (LHL) Property Owner	2 years
Winston Salem, At Large #1	1 year

Winston Salem, At Large #2

3 years

Architectural Historian or Historic Preservationist	4 years
Historic (H) District Property Owner	2 years
Historic Overlay (HO) District Property Owner	2 years
Kernersville, At Large	4 years
Clemmons, At Large	4 years

~~In making initial appointments to the Commission, each Elected Body shall give special preference to the outgoing members of the Forsyth County Joint Historic Properties Commission and the Winston-Salem Historic District Commission in order to provide continuity to the work of the Commission.~~

The regular term of office for Commission members shall be four (4) years. ~~Unless a jurisdiction's code of ordinances provides otherwise, a~~ A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one full term has elapsed from the member's termination of service. Members shall continue in office until a successor has been appointed and qualified. Service of less than 50 percent of a normal term shall not be deemed a term, and service for more than 50 percent shall be deemed a term.

~~(E) Members for Newly Established Historic (H) or Historic Overlay (HO) Districts.....Notwithstanding any provisions of Section B.4 3.1 to the contrary, if a new Historic (H) or Historic Overlay (HO) district is established by an Elected Body, the membership of the Commission shall be increased by one (1) for each such new district for a period of two (2) years. Such new member shall be appointed for a term of two (2) years by the Elected Body in whose jurisdiction such new district has been established and shall be an owner of real property located within such new district.~~

~~(D) (F)~~ CompensationMembers shall serve without compensation.

~~(E) (G)~~ MeetingsThe Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting. All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

~~(F) (H)~~ Rules of ProcedureThe Commission shall adopt and publish Rules of Procedure for the conduct of its business.

~~(G) (I)~~ Annual Report.....An annual report shall be prepared and submitted by December of each year to the Elected Bodies. Such report shall include a comprehensive and detailed review of the activities and actions of the Commission, as well as any budget requests and/or recommendations.~~(H) (J)~~ Meeting Minutes.....The Commission shall keep permanent minutes of its meetings. The minutes shall record attendance of

its members, its resolutions, findings, recommendations, and other actions. The minutes of the Commission shall be a public record.

Section 2. Chapter B, Article IV, Section 4-7 of the UDO is hereby amended as follows:

Chapter B – Zoning Ordinance

Article IV – Historic/Historic Overlay Districts

4-7.4 PROCEDURES

- (F) Form of DecisionAll formal actions of the Commission shall be set forth in writing. A decision of the Commission shall be effective upon filing the written decision with the Historic Resource Officer of the Commission. The decision of the Commission shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made. In case of approval, the Commission shall transmit to the property owner a Certificate of Appropriateness clearly describing the work that has been approved, and any conditions of the approval. In case of denial, the Commission shall transmit to the property owner a letter stating the findings on which the decision was based. Additionally, the Commission may, as it deems appropriate, make recommendations concerning any exterior or interior (where applicable), features of the proposed project which may be of guidance and help to the applicant in revising the plans and application. The Commission shall also provide the Director of Inspections with a copy of the formal correspondence to the property owner.
- (G) Time Limits~~Each Certificate of Appropriateness is issued subject to the following two conditions: (1) If a building permit is required to perform all or any part of the work authorized by a Certificate of Appropriateness, such building permit must be procured within six months from the date the Certificate of Appropriateness was issued and work completed within one year from the date of Certificate of Appropriateness; and, (2) If a building permit is not required for any part of the work authorized by a Certificate of Appropriateness, such work must be completed within one year from the date the Certificate of Appropriateness was issued. Upon failure to comply with the applicable condition, the Certificate of Appropriateness shall expire, subject to its being renewed. If a request is made to renew an expired Certificate of Appropriateness within twelve (12) months of its issuance, Commission staff may renew it. All other renewals of an expired Certificate of Appropriateness may only be made by the Commission. A Certificate of Appropriateness shall be renewed unless it is found that a change has occurred that would allow the work authorized by the expired Certificate of Appropriateness to impair the integrity of an historic landmark, property, or district as a whole or would be incongruous with the special character of an historic landmark, property, or district. No request to~~

renew that contemplates substantive changes to the work authorized by the expired Certificate of Appropriateness may be granted. Such a request may be made by submitting an application for a new Certificate of Appropriateness. Unless otherwise designated by the Commission, all work approved under a Certificate of Appropriateness shall be completed within three (3) years of the effective date of the Certificate of Appropriateness. If a request is made to renew a Certificate of Appropriateness prior to its expiration, Commission staff may renew it for one (1) additional year. If the work approved under a Certificate of Appropriateness has not been completed within the designated time period, the Certificate of Appropriateness shall expire.

- (L) AppealsAn appeal of a decision of the Commission in granting or denying any Certificate of Appropriateness ~~may~~ shall be taken to the appropriate Board of Adjustment. Appeals ~~may~~ shall be taken by any aggrieved party ~~within~~ by the later of thirty (30) calendar days after the decision ~~of the Commission is effective~~ or after a written copy thereof is delivered in accordance with Paragraph (F) above, and shall be in the nature of certiorari (only evidence presented at the Commission's meeting shall be considered at the appeal). Appeal from the decision of the Board of Adjustment shall be to the Forsyth County Superior Court.

4-7.4.1 AFTER-THE-FACT CERTIFICATES OF APPROPRIATENESS

(A) After-the-Fact Certificate of Appropriateness Applications

An after-the-fact Certificate of Appropriateness application includes any major or minor work projects that have been initiated or completed prior to obtaining the required Certificate of Appropriateness.

(B) After-the-Fact Certificate of Appropriateness Application Fee

To discourage activity without a Certificate of Appropriateness and to assist in offsetting the costs associated with the additional staff work that accompanies an after-the-fact application, an escalating fee system has been implemented. The escalating fee system is based upon the number of after-the-fact Certificate of Appropriateness applications sought by or on behalf of a property owner. The after-the fact Certificate of Appropriateness application fee, as established by the City Council of the City of Winston-Salem and the County Commissioners of Forsyth County, shall be due upon submission of the application.

(C) Application Consideration

All after-the-fact Certificate of Appropriateness applications shall be brought before the Commission for consideration.

(D) Approval of After-the-Fact Certificate of Appropriateness Applications

Unless otherwise designated by the Commission, if an after-the-fact Certificate of Appropriateness application is approved, the applicant shall have ninety (90) days to complete the approved work.

(E) Denial of After-the-Fact Certificate of Appropriateness Applications

If an after-the-fact application for approval of work, completed without a Certificate of Appropriateness, receives a denial from the Commission, the subsequent Certificate of Appropriateness application, if required, shall be considered anew. A subsequent Certificate of Appropriateness application must be submitted to the Commission within thirty (30) days of the effective date of the denial of the original after-the-fact application. Commission staff shall determine if the subsequent application qualifies as a major or minor work and said application shall be reviewed accordingly.

Section 3. This ordinance shall be effective upon adoption.