

# Memo

To: Planning and Zoning Commission  
From: Starla Rogers, Senior Planner  
Date: 3/11/2016  
Re: Historic Handbook Updates

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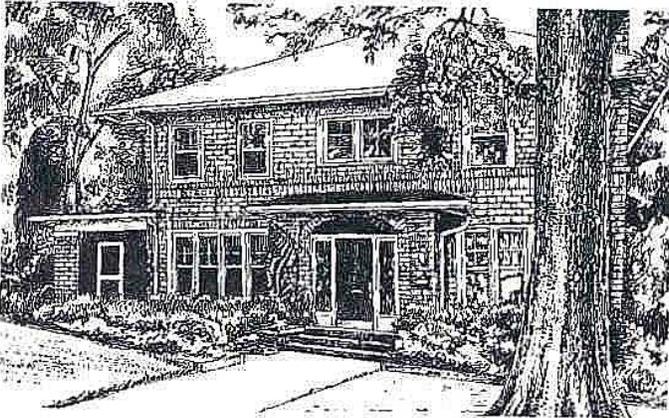
The Historic Preservation Commission voted unanimously at their February meeting to change the Commission's monthly meeting day, starting in May 2016. The existing meeting schedule is 7:00 p.m. on the third Thursday of each month. This also happens to be the same monthly schedule of Concord Downtown Development's summer Union Street Live concert series. Historic District applicants found conflict in attending the meeting and missing the concert. Historic Preservation Commissioners were commonly late to meetings during the summer months due to the traffic and parking constraints imposed by the Union Street Live patrons and blocked streets. To alleviate the issue, the Commission changed the meeting schedule to 7:00 p.m. on the second Wednesday of each month. Because the Historic Handbook states the meeting schedule, it needs to be modified to reflect the Commission's recent action. Other minor changes include removing the old City Hall address and incorrect cross-references.

A draft Handbook section has been included in the packet indicating the proposed changes. This document should be reviewed and if acceptable, forwarded to City Council. City Council holds final approval of Ordinance/Handbook modifications.

## Chapter 3: WORKING WITH THE HISTORIC PRESERVATION COMMISSION

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*Dr. P. R. MacFadyen House  
75 Grove Avenue NW*

### A. IN GENERAL

The Official Maps, (Chapter 1-Preface), of the Districts have been adopted by the City Council and designate the boundaries of the Districts. These maps classify the individual properties into the following categories according to their relative importance to the character of the district.

**Pivotal** – Those properties which, because of their historical, architectural, or cultural characteristics, play a primary, central or “pivotal” role in establishing the qualities for which the District is significant.

**Contributing** – Those properties which, while not pivotal, support and add to the historical, architectural, or cultural characteristics for which the District is significant.

**Noncontributing** - Those properties which do not have an especially negative impact on the general characteristics of the District. They may be similar in form, height, and materials to contributing buildings in the District, but cannot be considered contributing because of the date of construction.

**Intrusive** – Those properties which have a definite negative impact on the historical, architectural, or cultural characteristics for which the District is significant.

**Fill** – Those properties which were constructed on single or scattered site undeveloped lots in established neighborhoods, after the period of significance of the more important structures, but prior to official establishment of the District.

The Historic Preservation Commission is a seven member citizen’s board appointed by the City Council to administer the Historic District regulations. The Commission has the responsibility to:

- Review plans for alteration to the exterior of structures and the removal of trees from properties within Historic Districts, and approve the issuance of Certificates of Appropriateness if those plans are consistent with the Standards and Requirements.

- Provide technical advice to property owners concerning restoration and the treatment of architectural features.
- Delay the demolition of important structures within Historic Districts for up to 365 days in order to explore alternatives.
- Make recommendations to the Board of Adjustment and the Planning and Zoning Commission regarding proposed zoning changes and related matters within the Districts.

The Commission meets the [second Wednesday](#) of each month at 7:00 p.m. in the City Council Chambers of City Hall ([35 Cabarrus Avenue, West](#)). Since the Commission is a quasi-judicial body under North Carolina law, certain rules of procedure must be followed. These procedures include official notification of adjacent property owners, public advertisement in the newspaper, and placement of a public hearing sign on the property.

The Commission's review criteria for Certificates of Appropriateness include taking into account the historic and visual aspects that give the Districts their character, as well as reviewing the proposal's compatibility.

## **B. OBTAINING A CERTIFICATE OF APPROPRIATENESS**

Prior to new construction, demolition, installation of permanent identification signs, and most alteration and rehabilitation activities within the Districts, a Certificate of Appropriateness must be obtained. Alterations to the interior of the structures are not subject to Certificates of Appropriateness. In some matters the City of Concord Planning Department can issue a Certificate. If the proposed alteration is one that the Planning Department can approve, then the applicant does not have to go before the Historic Preservation Commission. The types of work for which Certificates are required are shown in the "Approval Requirement Needs" section at the beginning of the Handbook.

The alteration of any site or exterior feature which is not specifically listed in Appendix B will require approval by the Historic Preservation Commission for a Certificate of Appropriateness. The Zoning Administrator shall have the option of referring any item that could be approved within the Planning and Zoning Department to the Historic Preservation Commission for approval.

A property owner must obtain a Certificate of Appropriateness prior to the issuance of a building permit, or any other permit required by the City for construction, alteration, or demolition of a structure within a District. Prior to beginning work on a house or property (including extensive tree pruning and removal), the owner should contact the City's Planning Department for a determination on whether a Certificate of Appropriateness will be required.

If the work to be performed requires Historic Preservation Commission approval, an application for a Certificate of Appropriateness must be filed. The application and processing is required to be submitted to the Planning Department [in accordance with the department's annual submittal](#)

| [deadline schedule](#). Application forms may be obtained from the Planning Department or the City's website.

### **C. APPEALS**

Decisions of the Historic Preservation Commission may be appealed to the Board of Adjustment. An appeal may be taken by the applicant or by any other aggrieved party. The appeal application must be filed with the Zoning Administrator within 30 days of the decision. Any appeals from the Board of Adjustment are to be taken to the Superior Court of Cabarrus County.

The appeal of a decision by the Historic Preservation Commission to the Board of Adjustment is in the nature of "certiorari." The aggrieved party cannot present new evidence but must show that the Commission failed to follow the appropriate administrative or procedural regulation or that the decision was contrary to the evidence or was arbitrary and capricious.

### **D. ENFORCEMENT**

Enforcement of any of the provisions of the City of Concord Zoning Ordinance is done by the Code Enforcement Department. A Certificate of Appropriateness must be obtained before issuance of a building permit or any other permit needed for constructing or altering buildings, structures, or signs. Failure to do so is a zoning violation and if not corrected or remedied will result in legal action.