

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

- MEETING DATE:** March 20, 2014
- SUBJECT:** Continued Discussion - Draft Historic Preservation Ordinance
- PRESENTER:** Parker Sloan, Planner
- ATTACHMENTS:**
1. Memo Regarding Designation Program Selection Criteria
 2. Table Comparing Designation vs. Registry Program
 3. Alternative Registry Program Language

SUMMARY OF REQUEST:

The Historic Resource Commission presents a Historic Preservation Ordinance for the Planning Board to review and make a recommendation to the Board of Commissioners. The Henderson County Planning Board reviewed the proposed Draft Historic Preservation Ordinance at their January 16th and February 20th meetings. The Board directed staff to review the selection criteria and recommend specific language to define specific guidelines that a historical structure must meet that are not age dependant (See attachment 1). In addition, the Board requested a draft honorific program in lieu of an ordinance (See attachment 2 and 3).

The Planning Board needs to discuss the following options.

1. Support an Honorific or Registry Plaque Program.
2. Support a Preservation Ordinance which would allow for a tax deferral on designated properties.
3. Support the adoption of both an Honorific or Registry Plaque Program and Historic Preservation Ordinance.

The Planning Board may discuss the issue further during their March meeting. The following suggested motions are listed below.

Suggested Motion:

I move the Planning Board recommends the Board of Commissioners approve the Draft Registry and Plaque Program for Henderson County, **and**

I further move that the Planning Board recommend that the Board of Commissioners adopt the Draft Preservation of Historic Resource Ordinance with modifications as discussed by the Planning Board, **or**

I further move that the Planning Board recommend that the Board of Commissioners **not** adopt the Draft Preservation of Historic Resource Ordinance, but if the Board of Commissioners is in favor of adopting said Ordinance, the Planning Board recommends the inclusion of the following modifications as discussed by the Planning Board.



Planning Department

100 North King Street
Hendersonville, NC 28792

MEMORANDUM

TO: Henderson County Planning Board
FROM: Parker Sloan, Planner

DATE: March 20, 2014
SUBJECT: Draft Language to replace all Criteria for Designation Program Option

The following language is proposed to replace ALL of the selection criteria within the proposed Designation Program Ordinance, Article III letter B:

Criteria for Historic Landmarks: No property shall be recommended for designation unless it is deemed to be of special significance to the historical, prehistorical, architectural, or cultural importance to Henderson County. It must also possess integrity of design, setting, workmanship and/or materials. Any historic designation must meet all of the following criteria:

- 1) Property is at least (*to be determined see options below*) years old.
- 2) Property affords public access. Public access is defined as making the designated section of the property open and available for public inspection no less than 5 days in a calendar year. Public access does not mean viewing the property from the public road or right of way.
- 3) Property owner agrees to terms and conditions for designation as Historic Landmark.

The designation must be specific only to the area of historic significance and any area deemed historic must be proven with objective evidence to support the determination. The order will clearly describe the designated area.

Options for making it more restrictive:

- Time Frame (Please note this is never intended to be the sole criteria, just one more objective criteria to the designation analysis)
 - Take out year altogether
 - Change the year from 50 to 100
 - Change it to a set year like 1940 so that the ordinance does not have to be continually adjusted

	Designation Program	Registry Program
Incentive	Tax incentive, other listed incentives	Addition to registry, ability to purchase landmark plaque, other listed incentives but No Tax incentive
Type of Procedure	Quasi-judicial (similar to Special Use hearings)	Administrative (similar to subdivision approval)
Process	<ol style="list-style-type: none"> 1. Property Owner submits application to Planning 2. State reviews application 3. Quasi-judicial notice given interested parties 4. HRC holds Quasi-judicial public hearing 5. Legal draft order for BOC approval 6. BOC for final approval 7. Order sent to Tax, Clerk and property owner, recorded in Register of Deeds (estimated length of process: 3-6 mo depending on hearing schedule) 	<ol style="list-style-type: none"> 1. Property Owner submits application to Planning. 2. HRC reviews application and approves/denies 3. If granted, property added to Registry and property owner gets letter authorizing purchase of plaque. <ul style="list-style-type: none"> • No state review, no BOC involvement, no Quasi-judicial proceeding, no recordation • Estimated time: 1-2 months
Standard for Review	Factors described in 104-5(B)- need to be clearly articulated with findings of fact and conclusions of law for Quasi-Judicial Order	Checklist
Deciding authority	BOC and HRC	Planning and HRC
Appeal	Zoning Board of Adjustment	No appeal
Opt-Out of Program	Property Owner must submit letter to Planning and Tax Department, have to repay 3 yrs of taxes	Property Owner must submit letter to Planning Department; Planning will remove from registry list and Property Owner remove plaque
Modifications/Demolition	Routine maintenance needs no approval; minor modifications approved by Planning Department; major modifications approved by HRC; Relocation and Demolition decided by HRC. Any amendments to original order approved by BOC.	Routine and minor at discretion of Planning Department; Major modifications, relocation, demolition decided by HRC

Article III: Registry and Plaque Program

§104-5. Participation in Historic Landmark Program

- A. Voluntary Participation. This program is entirely voluntary and participants may opt in or opt out of the program at any time. To opt-out of the program, applicants must provide the Planning Department written notification and remove the historic plaque from the property.
- B. Criteria for Historic Landmarks. No property shall be recommended for registry and plaque program unless:
 - 1) It is deemed to be of historical, prehistorical, architectural, or cultural importance.
 - 2) It must also possess integrity of design, setting, workmanship and/or materials.
 - 3) Property is at least 100 years old.
 - 4) Property affords public access.
 - 5) Property owner agrees to terms and conditions for designation as Historic Landmark.
 - 6) Property is associated with historic events that have shaped Henderson County.
 - 7) Property is tied to the lives of persons who influenced the economic, social, educational, or cultural conditions of Henderson County.
 - 8) Property features distinct architectural style, method of construction, high artistic values, or represents the work of a master architect or builder.
 - 9) Property represents the full spectrum of historic property types in the County including but not limited to, residences, commercial buildings, churches, farmsteads, engineering features or parks.
 - 10) Property yields or is likely to yield information important to the understanding of the history or prehistory of Henderson County.
- C. Properties determined to meet the above criteria shall be eligible to be included on the Registry of Historic Places in Henderson County and to purchase a historic plaque. The following may also be available to Registry property owners:
 - 1) Technical assistance - the HRC may hold workshops on historic preservation, and compile a list of grant programs, preservation societies, and other useful resources for people interested in historic preservation.
 - 2) Promotional - the HRC may provide participants with recognition plaques, collaborate with Tourism Department, Chamber and Heritage Museum to schedule possible tours or promotional materials with listings of historic sites in Henderson County.
 - 3) Provide information regarding possible grants for rehab - HRC may apply for grants and research funds for rehab or aid property owners with needed repairs.
 - 4) The HRC may assist the property owner with the report that is required to receive the federal tax incentive and be placed on the National Historic Registry of Historic Places.
- D. Nothing in this Ordinance shall be construed to fall under 160A-399.4 or designate properties as historic landmarks and therefore the tax incentive of 105-278 does not apply.

§104-6. Procedure for Adding Historic Landmarks To Registry

- A. Application by Property Owner. Property Owners shall complete an application and

return to the Planning Department who will disseminate it to the HRC. An application must be filed at least 30 days prior to the HRC's regularly scheduled meeting.

- B. Review by HRC. The HRC shall review the application and information provided and shall determine whether the property shall be added to the Registry and eligible for a plaque.
- C. Notification. Once HRC reviews and decided whether the property meets the criteria, Planning shall send the Applicant a letter approving or denying the application. If the request is approved, the Applicant will receive information about how to order and purchase a plaque.

§104-7. Modifications, Alterations or Additions

- A. Any ordinary maintenance or repairs are permitted at all times.
- B. Minor changes (50% or less) will be administratively approved by the Planning Department
- C. Major changes (more than 50%), or additions to the property must be approved by the HRC to ensure the property still meets the program criteria.
- D. Where a historic structure will be relocated, the Planning Department must be notified.
- E. Where the historic structure is to be demolished, the Planning Department must be notified and involvement in the program will be terminated.