

Ordinance #23-0025

Ordinance Book, Page 66

UDO-CC22

AN ORDINANCE AMENDING CHAPTER 10 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO REVISE THE MEMBERSHIP STRUCTURE OF THE FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

Be it ordained by the Winston-Salem City Council, that the Unified Development Ordinances are amended as follows:

Section 1. Chapter 10 AUTHORITIES & ENFORCEMENT of the UDO is amended as follows:

Subsection 10.1.4 FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

C. FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County.

1. COMPOSITION

The Commission shall consist of twelve (12) members appointed as follows:

- a. Five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown;
- b. Five (5) by the Winston-Salem City Council;
- c. One (1) by the Kernersville Board of Alderman; and
- d. One (1) by the Clemmons Village Council.

2. MEMBERSHIP AND ORGANIZATION

a. MEMBERSHIP AND QUALIFICATION

i. All members of the Commission shall reside within Forsyth County.

ii. 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.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

iii. The Commission shall consist of ~~six (6)~~ **eight (8)** at-large members and ~~six (6)~~ **four (4)** categorical members. The categorical members shall include at least one (1) each of the following categories:

1. Architect licensed in the State of North Carolina;
- ~~2. Architectural historian or historic preservationist;~~
- ~~3. Archaeologist, landscape architect/designer, planner, surveyor, or arborist;~~
- 4.2.** Historic (H) District property owner;
- 5.3.** Historic Overlay (HO) District property owner; or
- 6.4.** Local Historic Landmark (LHL) property owner.

b. APPOINTMENT OF CATEGORICAL MEMBERS

The ~~six (6)~~ **four (4)** categorical members shall be appointed as follows:

i. The Forsyth County Board of Commissioners shall appoint one (1) architect licensed in the State of North Carolina, and one (1) Local Historic Landmark (LHL) property owner; and

ii. The Winston-Salem City Council shall appoint ~~one (1) architectural historian or historic preservationist, one (1) archaeologist, landscape architect/designer, planner, surveyor, or arborist,~~ one (1) Historic (H) District property owner, and one (1) Historic Overlay (HO) District property owner, ~~in accordance with regulations required by certified local government status.~~

c. TERM

i. The regular term of office for Commission members shall be four (4) years.

ii. A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one (1) full term has elapsed from the member's termination of service.

iii. Members shall continue in office until a successor has been appointed and qualified.

iv. 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.

d. COMPENSATION

Members shall serve without compensation.

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e. MEETINGS

i. The Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting.

ii. All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

f. RULES OF PROCEDURE

The Commission shall adopt and publish Rules of Procedure for the conduct of its business.

g. ANNUAL REPORT

i. An annual report shall be prepared and submitted by December of each year to the Elected Bodies.

ii. 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. MEETING MINUTES

i. The Commission shall keep permanent minutes of its meetings.

ii. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions.

iii. The minutes of the Commission shall be a public record.

3. COMMISSION POWERS

a. GENERAL RESPONSIBILITIES OF THE HISTORIC RESOURCES COMMISSION

The Commission shall act to promote, enhance, and preserve the character and heritage of Forsyth County.

b. SPECIFIC AUTHORITY AND POWERS

The Commission shall have all powers of an historic preservation commission as provided in Chapter 160D-942 of the North Carolina General Statutes including the following duties and responsibilities:

i. To undertake inventories of properties of historical, archaeological, architectural, and/or cultural significance;

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ii. To recommend to the Elected Bodies that individual properties be designated as Local Historic Landmarks (LHL) and/or that areas be designated as Historic (H) or Historic Overlay (HO) Districts;

iii. To recommend that the Elected Bodies revoke historic landmark and/or district designations, in whole or part, for cause;

iv. To review and act on proposals for exterior alteration, relocation, new construction, or demolition of, or within, designated historic landmarks or districts in accordance with Section 160D-947 of the North Carolina General Statutes;

v. To review and act on proposals for alteration of interior features of designated historic landmarks if such features are specified in the designation ordinance;

vi. To delay the relocation, demolition, or destruction of a designated landmark, or a building, structure, or site located within a designated historic district for not more than three hundred sixty-five (365) calendar days from the date of approval.

vii. To negotiate with property owners who have received a Certificate of Appropriateness to demolish or relocate designated historic landmarks and/or properties within designated historic districts, in an effort to find a means of preserving the properties;

viii. To delay demolition or destruction of buildings, sites, or structures proposed for historic landmark designation or located in areas proposed for historic district designation, for which the Commission has voted to recommend designation, for up to one hundred eighty (180) days, or until the Elected Bodies take final action on the recommendation, whichever occurs first;

ix. To report violations of the law to the appropriate Inspections Division of the County/City/Town/Village responsible for enforcement, and/or institute action to prevent, restrain, correct, or abate violations of this Ordinance;

x. To organize itself and conduct its business by whatever legal means it deems proper;

xi. To appoint advisory bodies or committees, as appropriate;

xii. To receive and spend funds appropriated by the Elected Bodies for operation and performance of the Commission's duties;

xiii. To accept funds granted to the Commission from private or nonprofit organizations or individuals;

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xiv. To contract for services or funds from the State of North Carolina and agencies or departments of the United States government;

xv. To obtain the services of private consultants in order to perform the Commission's official duties;

xvi. To negotiate with property owners for acquisition or protection of historic properties;

xvii. To acquire under Commission ownership, manage, and dispose of properties designated as historic landmarks or within designated historic districts, pursuant to Section 160D-942 of the North Carolina General Statutes;

xviii. To enter private lands to examine or survey them, at reasonable times and with the consent of the owner or occupant, in order to perform the Commission's official duties;

xix. To give advice to property owners concerning treatment of the historic and related visual characteristics of their properties;

xx. To conduct educational programs on historic resources within Forsyth County;

xxi. To publish information about, or otherwise inform the public and/or owners of designated historic landmarks or property within designated historic districts of any matters pertinent to the Commission's duties, organization, procedures, responsibilities, functions, or requirements;

xxii. To undertake programs of information, research, or analysis relating to any matters under the Commission's purview;

xxiii. To recommend to the Elected Bodies and the State of North Carolina buildings, structures, sites, objects, or districts worthy of national, State, or local recognition;

xxiv. To cooperate with State and federal governments on matters related to historic preservation;

xxv. To cooperate with local governmental boards, commissions, or agencies or other governmental units; and to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest;

xxvi. To prepare and recommend adoption of a preservation element as part of a comprehensive plan for the County/City/Town/Village;

xxvii. To propose to the Elected Bodies changes to this or any related ordinance, and to propose new ordinances or laws relating to designated historic

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landmarks or districts, or relating to the total program for the development of the historic resources of Forsyth County; and

xxviii. To exercise such other powers and perform such other duties as are required elsewhere by this Ordinance, State law, or by the Elected Bodies.

Section 2. This ordinance shall be effective upon adoption.

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