

STAFF REPORT

DOCKET # UDO-77

STAFF: Megan Ledbetter

REQUEST

Zoning text amendment proposed by the City-County Planning and Development Services staff revising Chapter B Article IV of the *Unified Development Ordinances* (UDO) to amend the Historic/Historic Overlay regulations to include additional small towns within Forsyth County's Historic Resource Commission (HRC) and to make clarifications to the Historic/Historic Overlay District requirements.

BACKGROUND

An update to the Architectural Survey for properties in Forsyth County outside the City of Winston-Salem will be commencing soon. It is planned for the survey results to be published in a book that would complement *Winston-Salem's Architectural Heritage* by Heather Fearnbach recently published by the City.

While most of the small towns in the county have agreed to participate in the project, to be eligible to apply for matching grant funding from the State, each town that is not already a Certified Local Government (CLG) will need to become part of the County CLG. Currently, the National Park Service and the State Historic Preservation Office (SHPO) are promoting the consolidation of individual Historic Resource Commissions in counties rather than each community having its own - this text amendment is consistent with that policy.

The changes proposed in this amendment come from the HRC. The annual retreat of the HRC was held in December 2014 and one of the discussion topics was Procedures and Policies. Upon review of the existing language in the UDO, the HRC directed staff to make clarifications and update policies relating to how applicants are notified about Commission decisions, time limits of Certificates of Appropriateness, and appeals. Another topic of discussion at the HRC retreat were the policies relating to After-the-Fact COAs which have never been codified in the UDO. A new section outlining those policies is proposed as part of this amendment.

ANALYSIS

UDO Chapter B Article 4-1 is proposed to be changed to add the towns of Bethania, Lewisville, Rural Hall, and Walkertown to the joint Historic Resources Commission, which already includes the town of Kernersville and the Village of Clemmons. The change to Article 4-2 would replace the current language in the Purpose section with language that is consistent with current state enabling legislation. Article 4-3 is proposed to be changed to update the makeup of the Commission to include representation from the new members, clarify the makeup of the membership, and clarify the term of office policies for members. Staff believes the proposed

changes will help further the *Legacy* goals of promoting a robust county-wide historic preservation framework.

The changes proposed in the Historic/Historic Overlay District requirements are in the Procedures section. The Form of Decision section is proposed to be rewritten to clarify and update the language and eliminates some unnecessary language. The Time Limits section currently includes some requirements that have proven to be unreasonable. At the annual retreat, the HRC voted to recommend new time limits for Certificates of Appropriateness (COAs). The proposed language is concise and includes a reasonable time frame for completing any work approved through the COA process. The Appeals section includes minor changes that clarify the intent and make the language more legally sound.

One new section is being proposed to establish procedures in the UDO to handle the review of work that has been initiated or completed without first obtaining a COA. The new section is proposed to be called After-the-Fact Certificates of Appropriateness and would be an addition to the Procedures section in the UDO. Our jurisdiction does not charge submittal fees for the processing of COAs and that has served as a goodwill gesture to encourage property owners to present their plans for review. When work has been done without first getting a COA, there has been no ordinance language addressing the policies that have been established over time. This section sets out the rules for dealing with work that has been initiated or completed without first obtaining a COA and mentions the fee that has already been established and adopted by the elected bodies.

RECOMMENDATION

APPROVAL

