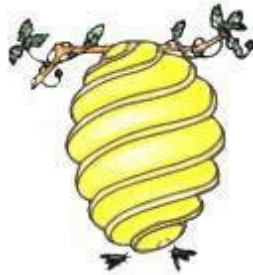


CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION



BYLAWS and RULES OF PROCEDURE

VII. CERTIFICATES OF APPROPRIATENESS

A. Certificate of Appropriateness Required

As set forth in N.C. Gen. Stat. § 160D-947, after the designation of a Landmark via a Landmark Designation Ordinance adopted by the applicable governing board, no portion of the exterior features (or interior features, if included in the designation of the Landmark) of any building or other structure (including, without limitation, siding, masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structures, nor any type of outdoor advertising sign, nor any new construction whether attached to a building or structure or freestanding (if the land is part of the designated Landmark), shall be erected, altered, restored, moved, or demolished on the Landmark until after an application for a Certificate of Appropriateness ("COA") has been submitted to and approved by the CMHLC. The relevant local government shall require such a Certificate COA to be issued by the CMHLC prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structure. A Certificate of Appropriateness COA is required whether or not a building or other permit is required.

The "exterior features" includes, but is not limited to, the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" mean the style, material, size, and location of all such signs. Such "exterior features" shall also include historic signs, colors, and significant landscape, archaeological, and natural features of the area and of the Landmark.

Unless explicitly stated otherwise, the interior of a building is included in the designation and is subject to design review by the CMHLC for all properties designated before July 1, 1978.
(Jan 2022)

Note, however, that a COA is not necessary for the ordinary maintenance or repair of any exterior architectural feature of a Landmark that does not involve a change in design, material, or appearance thereof.

Every Landmark Designation Ordinance continues to be valid and remain in full force and effect unless and until it is amended, repealed, or rescinded by the adopting governing board acting on a recommendation to do so by the CMHLC after complying with the procedures set forth in N.C. Gen. Stat. § 160D-946;

1. Demolition

No application for a COA for the demolition of a structure on a Landmark shall be granted until the CMHLC has both inspected the structure noting significant architectural details and investigated its historical significance.

As provided in N.C. Gen. Stat. § 160D-949, an application for a COA authorizing the relocation, demolition, or destruction of a building or other structure that is or is a part of a designated Landmark ~~or part of a designated Landmark~~ may not be denied except as provided in N.C. Gen. Stat. § 160D-949(c). However, the effective date of such a ~~certificate~~ COA may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period of delay, the CMHLC shall negotiate with the owner and with any other interested parties in an effort to find a means of preserving the building, structure, or site at issue.

If a Landmark Designation Ordinance includes land as part of the Landmark defined and designated therein, that land (along with any other structures, objects, sites, or areas included in the definition of the Landmark) remains a designated Landmark following the loss (whether due to destruction by fire, demolition, or otherwise) of a constituent structure (even the principal structure) of that Landmark.

Within 120 days following the CMHLC's receipt of written notice of the loss of a structure that is individually designated as a Landmark or of the principal structure of a designated Landmark that includes land (and/or other constituent structures, sites, or features), the CMHLC shall review the Landmark Designation Ordinance at issue, the Survey & Research Report and/or Designation Report that was used to support the Landmark Designation Ordinance, and any other relevant documents or information in the possession of, received by, or known to the CMHLC to determine if the loss of the structure at issue has resulted in the loss of the "special character" of the designated Landmark. If the CMHLC determines that the "special character" of the designated Landmark has been lost, it shall recommend to the appropriate governing board that the Landmark Designation Ordinance at issue be repealed either in whole or in part.

The written notice required by the preceding paragraph shall be transmitted by the owner of the Landmark (or such owner's representative) to both the Chair of the CMHLC

and the Director of the MCHLD. Only the receipt of the written notice by both shall constitute receipt by the CMHLC and trigger this review described above.

2. *New Construction on a Landmark*

New construction on a designated Landmark constitutes an “alteration” of that Landmark. As stated above and reiterated herein, prior to **any** new construction on the designated land of a Landmark, the owner must apply for and receive a COA as to “exterior features” as set forth in this Section VII.A regardless of whether the new construction follows the loss (whether due to destruction by fire, demolition, or otherwise) of a constituent structure (including the principal structure) of that Landmark.

In considering a COA application for new construction, the HLC will consider the “exterior features” identified in N.C. Gen. Stat. § 160D-947(a) and in this Section VII.A and the CMHLC Standards in determining whether the alteration of the Landmark by the new construction would be congruous or incongruous with the special character of the Landmark.

For purposes of this Section VII.A, new construction includes erecting the exterior portion of any building or other structure, including masonry walls, fences, light fixtures, pavement, above-ground utility structure(s), outdoor advertising sign(s), or any other appurtenant features on a Landmark.