

ACTION REQUEST FORM

DATE: May 12, 2017
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on a zoning text amendment proposed by Planning and Development Services staff

SUMMARY OF INFORMATION:

- A. Public hearing on a zoning text amendment proposed by the Planning and Development Services staff revising Chapter B Article IV of the *Unified Development Ordinances* to amend the Historic/Historic Overlay regulations to include additional small towns within Forsyth County (UDO-277).
- B. Approval of Ordinance.

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-277
STAFF: David Reed

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) (UDO-277).

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.

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.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-277
MAY 11, 2017**

David Reed presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

Melynda Dunigan asked if other historic organizations in the area had been asked for their input. Staff responded that the individual historic groups had not been contacted, however discussions were held with each municipality and they are enthusiastically supportive of this.

MOTION: Clarence Lambe moved approval of the ordinance amendment.

SECOND: Brenda Smith

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe, Chris Leak,
Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services

UDO-277
AN ORDINANCE
AMENDING CHAPTER B, ARTICLE IV,
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING HISTORIC LANDMARKS AND
HISTORIC/HISTORIC OVERLAY DISTRICTS

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the Zoning Ordinance of the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Article IV, "Historic/Historic Overlay Districts" of Chapter B "Zoning," is hereby rewritten to read as follows:

Chapter B – Zoning Ordinance
Article IV - Historic/Historic Overlay Districts

4-1 - CREATION

Pursuant to the authority conferred by the North Carolina General Statutes (G.S.) 160A - 400.1 through 400.14, the Forsyth County Board of Commissioners, the City Council of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville, ~~and~~ the Village Council of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown (hereinafter the Elected Bodies) by concurrent ordinances, do hereby create and establish a joint commission to be known as the Forsyth County Historic Resources Commission (hereinafter the Commission). In establishing the Commission and making appointments to it, the Elected Bodies may seek the advice of State or local historical agencies, societies, or organizations. For purposes of this Article IV, County/City/Town/Village shall refer, ~~respectively,~~ to Forsyth County and the City of Winston-Salem, the Town of Kernersville, ~~and~~ the Village of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown or jointly, as the context requires.

4-2 - PURPOSE

The purpose of the Commission is to safeguard the heritage of the County, the City, the Towns, and the Village by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city of county and the State as a whole.

~~The historic heritage of Forsyth County is among its most valued and important assets. It is the intent of these regulations:~~

- ~~(A) To safeguard the heritage of Forsyth County by preserving those areas and individual properties therein which reflect elements of its cultural, social, economic, political, or architectural history;~~
- ~~(B) To stabilize and improve property values of Local Historic Landmarks and within the H and HO Districts;~~
- ~~(C) To foster civic beauty; and~~
- ~~(D) To promote the use and conservation of Forsyth County's historic resources for the education, pleasure, and enrichment of residents of Forsyth County and of the State and nation as a whole.~~

4-3 - FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

~~The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County. The Commission shall consist of twelve (12) members appointed as follows: five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown; five (5) by the Winston-Salem City Council; one by the Kernersville Board of Alderman; and one by the Clemmons Village Council. Commission members shall serve without compensation.~~

4-3.1 MEMBERSHIP AND ORGANIZATION

- ~~(A) Membership and Qualification All members of the Commission shall reside within Forsyth County. 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. The Commission shall consist of six (6) at-large members and six (6) categorical members. The categorical members shall include at least one each of the following categories:~~

~~The Commission shall consist of twelve (12) members appointed as follows: five (5) by the Forsyth County Board of Commissioners and five (5) by the Winston-Salem City Council; one by the Kernersville Board of Aldermen; and one by the Clemmons Village Council. In making appointments to the Commission, each Elected Body shall make a reasonable effort to balance the representation of urban and rural interests. All members shall have equal rights, privileges, and duties regardless of whether the matter at issue arises within the jurisdiction of Forsyth County, and the City of Winston-Salem, the Town of Kernersville, or the Village of Clemmons.~~

~~(B) — QualificationsAll members of the Commission shall reside within Forsyth County. 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. The Commission shall consist of six (6) at large members and at least one each of the following categories:~~

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

~~(B)-(C) — Appointment of Categorical MembersThe six (6) categorical members shall be appointed as follows: The Forsyth County Board of Commissioners shall appoint one architect licensed in the State of North Carolina, one archaeologist, landscape architect/designer, planner, surveyor, or arborist, and one Local Historic Landmark (LHL) property owner; and the Winston-Salem City Council shall appoint one architectural historian or historic preservationist, one archaeologist, landscape architect/designer, planner, surveyor, or arborist, one Historic (H) District property owner, and one Historic Overlay (HO) District property owner, in accordance with regulations required by certified local government status.~~

~~(C) (D) TermThe length of the term of each initial appointment shall be as follows:~~

Forsyth County, At Large #1	1 year
Forsyth County, At Large #2	3 years
Architect Licensed in North Carolina	3 years
Archaeologist, Landscape Architect/Designer, Planner, Surveyor, or Arborist	1 year
Local Historic Landmark (LHL) Property Owner	2 years
Winston Salem, At Large #1	1 year
Winston Salem, At Large #2	3 years

Architectural Historian or Historic Preservationist	4 years
Historic (H) District Property Owner	2 years
Historic Overlay (HO) District Property Owner	2 years
Kernersville, At Large	4 years
Clemmons, At Large	4 years

~~In making initial appointments to the Commission, each Elected Body shall give special preference to the outgoing members of the Forsyth County Joint Historic Properties Commission and the Winston-Salem Historic District Commission in order to provide continuity to the work of the Commission.~~

The regular term of office for Commission members shall be four (4) years. ~~Unless a jurisdiction's code of ordinances provides otherwise, a~~ A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one full term has elapsed from the member's termination of service. Members shall continue in office until a successor has been appointed and qualified. 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.

- ~~(E)~~ ~~Members for Newly Established Historic (H) or Historic Overlay (HO) Districts.....~~ ~~Notwithstanding any provisions of Section B.4-3.1 to the contrary, if a new Historic (H) or Historic Overlay (HO) district is established by an Elected Body, the membership of the Commission shall be increased by one (1) for each such new district for a period of two (2) years. Such new member shall be appointed for a term of two (2) years by the Elected Body in whose jurisdiction such new district has been established and shall be an owner of real property located within such new district.~~
- ~~(D)~~ ~~(F)~~ CompensationMembers shall serve without compensation.
- ~~(E)~~ ~~(G)~~ MeetingsThe Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting. All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.
- ~~(F)~~ ~~(H)~~ Rules of ProcedureThe Commission shall adopt and publish Rules of Procedure for the conduct of its business.
- ~~(G)~~ ~~(I)~~ Annual Report.....An annual report shall be prepared and submitted by December of each year to the Elected Bodies. 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)~~(J)~~ Meeting Minutes.....The Commission shall keep permanent minutes of its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions. The minutes of the Commission shall be a public record.

Section 2. This ordinance shall be effective upon adoption.