

Notes:

- 1. There are blocks of text that appear to have changed but have simply been moved to accommodate additional language or process clarity.*
- 2. There are comments on deleted and added text.*

Sec. 5.4.1. General Historic Overlay District (-HOD-G)

A. Applicability

This section applies to all individual Historic Landmarks and each General Historic Overlay District (-HOD-G) designated by the City Council.

B. Purpose and Objectives

1. The -HOD-G is intended to preserve the historic significance of properties that are formally designated by the City. Locally designated historic districts are areas which are ~~deemed to be~~ of special significance in terms of their history, prehistory, architecture, archeology or culture, and to possess integrity of design, setting, materials, feeling and association. The -HOD-G seeks to preserve the overall historic character of the district, as well as the key, character-defining details of each of the contributing resources, and to assure that new construction is compatible with this historic context.
2. The -HOD-G has the following objectives:
 - a. To promote the preservation and continued use of individual properties and districts of historic significance;
 - b. To preserve the integrity of historically significant resources;
 - c. To support sustainability by reusing existing built resources; and
 - d. To assure that new construction is compatible with the historic context of landmark properties and historic districts.

C. Certificate of Appropriateness Required

1. After the designation of an HOD-G or Historic Landmark, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on the landmark or within the district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Historic Development Commission. ~~In addition to all other approval processes, within the -HOD-G and for any Historic Landmark, no portion of the exterior features of any building or other structure (including walls, fences, light~~

~~fixtures, steps, pavement, path or any other appurtenant features), trees, or above ground utility structure nor any type of outdoor advertising sign, or portion of the designated interior features of a Historic Landmark is to be erected, altered, restored, demolished or moved unless and until after an application for a Certificate of Appropriateness as to the exterior features, or portion of the designated interior features of a Historic Landmark, has been submitted and approved.~~

2. For purposes of this section, "exterior features" include 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; and to the extent addressed in the design standards, historic signs, color, and significant landscape, archaeological, and natural features of the area. In the case of outdoor advertising signs, "exterior features" mean the style, material, size, and location of all such signs.
~~A Certificate of Appropriateness shall be issued prior to any application for a building permit or other permit granted for the purpose of constructing, altering, moving or demolishing structures or appurtenant features being made, and shall be issued or denied, subject to such reasonable conditions as the Historic Development Commission may impose, according to such procedures as may be set forth elsewhere in this UDO or adopted by the Historic Development Commission.~~
3. A Certificate of Appropriateness shall be issued prior to issuance of a building or other permit for the purpose of constructing, altering, moving or demolishing structures or appurtenant features being made, and shall be issued or denied, subject to such reasonable conditions as the Historic Development Commission may impose, according to such procedures as may be set forth elsewhere in this UDO or adopted by the Historic Development Commission.
~~A Certificate of Appropriateness shall be required for all activities specified in this section whether a building permit or other permit is otherwise required or not; except that no Certificate of Appropriateness shall be required for:~~
 - a. ~~The ordinary maintenance or repair of any features that do not involve a change in:~~
 - i. ~~Design;~~
 - ii. ~~Material;~~
 - iii. Color; or
 - iv. ~~Outer appearance.~~
 - b. ~~The construction, reconstruction, alteration, restoration, moving or demolition of any feature which the Development Services Director certifies is required by the public safety because of an unsafe or dangerous condition.~~
 - c. ~~In the event of equipment failure, accidental damage or natural occurrences (such as electrical storms, tornadoes, ice storms and the like), the ordinary maintenance or repair of:~~
 - i. ~~Streets;~~
 - ii. ~~Sidewalks;~~
 - iii. ~~Pavement markings;~~

- ~~iv. Above-ground utility service lines; or~~
 - ~~v. Street signs, traffic signs or replacement of streetlight fixtures.~~
- 4. All of the provisions of this section are applicable to construction, alteration, restoration, moving and demolition by the State of North Carolina, its political subdivisions, agencies, instrumentalities and public utilities. A Certificate of Appropriateness shall be required for all activities specified in this section whether a building permit or other permit is otherwise required or not; except that no Certificate of Appropriateness shall be required for:
 - a. The ordinary maintenance or repair of any features that do not involve a change in:
 - i. Design;
 - ii. Material; or
 - iii. Outer appearance.
 - b. The construction, reconstruction, alteration, restoration, moving or demolition of any feature which the building inspector or similar official certifies is required by the public safety because of an unsafe or dangerous condition.
 - c. In the event of equipment failure, accidental damage or natural occurrences (such as electrical storms, tornadoes, ice storms and the like), the ordinary maintenance or repair of:
 - i. Streets;
 - ii. Sidewalks;
 - iii. Pavement markings;
 - iv. Above-ground utility service lines; or
 - v. Street signs, traffic signs or replacement of streetlight fixtures.
- 5. Individual certificates of appropriateness for each change may be requested, or if the activity is of the same character and involves a number of objects, as is the case with utility pole replacement, a programmatic certificate of appropriateness may be requested. All of the provisions of this section are applicable to construction, alteration, moving and demolition by the State of North Carolina, its political subdivisions, agencies, and instrumentalities provided, however, they do not apply to interiors of buildings or structures owned by the State of North Carolina.

D. Prohibited Activities

- 1. Prohibited activities within a -HOD-G or Historic Landmark include the items in Sec. 5.4.1.C. following when conducted without an approved Certificate of Appropriateness and:
 - a. ~~The erection, alteration, changing, restoration, moving or demolition of:~~
 - i. ~~Any entire building or structure;~~
 - ii. ~~Any exterior features of a building or structure;~~

- iii. ~~Any site features (including walls, fences, light fixtures, steps, pavement, paths or any other appurtenant features);~~
 - iv. ~~Trees;~~
 - v. ~~Any above-ground utility structure;~~
 - vi. ~~Any type of outdoor advertising sign; or~~
 - vii. ~~Any portion of the designated interior features of a Historic Landmark.~~
- b. ~~The demolition by neglect (Article 11.8. Demolition by Neglect of Historic Landmarks and Structures Within Historic Overlay Districts) of:~~
- i. ~~a. Any contributing building or structure;~~
 - ii. ~~b. Any exterior features of a contributing building or structure;~~
 - iii. ~~c. Site features (including walls, fences, light fixtures, steps, pavement, paths or any other appurtenant features); or~~
 - iv. ~~d. Any contributing outdoor advertising sign.~~
2. The demolition of any entire building, site or structure within a pending -HOD-G or pending Historic Landmark is prohibited when conducted without an approved Certificate of Appropriateness.
- a. ~~Any demolition during the pending designation may be delayed for a period up to 180 days from the date of issuance (unless the Historic Development Commission votes to waive or shorten it) or until the City Council takes final action, whichever occurs first.~~
 - b. ~~Should the City Council approve the designation prior to the expiration of the 180 day delay period, a new application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of delay for such demolition certificate shall be reduced by the Historic Development Commission equal to the period of delay while the designation was pending.~~

E. Setbacks

1. ~~The minimum and maximum setbacks within the -HOD-G and for Historic Landmarks shall be congruous with the setbacks of any typical well-related nearby building and structure within 1½ blocks and in the overlay district, or and congruous with the character of the Historic Landmark, as set forth in the historic development standards below or as defined in the designation documents or nomination.~~ Where the required setbacks of the underlying zoning conflicts with the special character of the district or landmark as determined through a Certificate of Appropriateness, the more restrictive shall control.
2. ~~Where the setbacks or allowed encroachments of the underlying district conflict with these setback requirements, the setbacks of the historic development standards shall control.~~ Structures existing prior to the (insert effective date) are not rendered nonconforming. For new construction and expansion of existing structures, apply the rule in (1) above.

F. Height

1. ~~Buildings and structures shall be congruous with the height of typical well-related nearby buildings and structures in the overlay district, and congruous with the character of the Historic Landmark, as set forth in the historic development standards below or as defined in the designation documents or nomination.~~ Where the height regulations or allowed height of the underlying zoning conflicts with the special character of the district or landmark as determined through a Certificate of Appropriateness, the more restrictive shall control.
2. ~~Where the height regulations or allowed height encroachments of the underlying district conflict with these height requirements, the height requirements of the historic development standards shall control.~~ Structures existing prior to (insert effective date) are not rendered nonconforming. For new construction and expansion of existing structures, apply the rule in (1) above.

G. Signs

No sign shall be erected, altered, restored or moved except in compliance with a Certificate of Appropriateness.

H. Historic Development Standards

1. ~~See documents entitled: "Design Guidelines for Raleigh Historic Districts and Landmarks dated May 2, 2017," "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," and "The Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for the Treatment of Cultural Landscapes." These documents are incorporated by reference as authorized by N.C. Gen. Stat. §160A-76, are made a part of this UDO and are on file with City Planning. These documents contain architectural guidelines and design standards that will be applied in considering applications for Certificates of Appropriateness to ensure as far as possible that the exterior features of buildings, structures and their associated features located within a HOD-G, and designated as a Historic Landmark, remain in harmony with other buildings, structures and appurtenant features in the overlay district, and the character of the Historic Landmark.~~ It is recognized that there are design and development standards generally applicable to the City of Raleigh's Historic Overlay Districts and Historic Landmarks. Such guidelines are necessary and desirable to provide for the establishment of reasonable certainty, stability, and fairness in the administration of Historic Overlay Districts and Historic Landmark regulations, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors. As an essential element of striking an appropriate balance between private expectations and the public interest, the City of Raleigh shall apply the "Design Guidelines for Raleigh Historic Districts and Landmarks," as adopted by the Raleigh Historic Development Commission. As a component in determining congruity with the special character of the Historic Overlay District or of the Historic Landmark, these guidelines shall be applied as if adopted together with the

designations of Historic Overlay Districts and Historic Landmarks, and shall be applied together with the findings, reports, guidelines, and special character essays for Historic Overlay Districts and Historic Landmarks. The "Design Guidelines for Raleigh Historic Districts and Landmarks" are incorporated by reference and made a part of this UDO. Guidelines and design standards shall be applied to ensure as far as possible that the exterior features of buildings, structures, and their associated features, as are located within a -HOD-G district or as designated as a Historic Landmark, remain in congruity with the special character of the district or Historic Landmark in consideration of other buildings, structures, and appurtenant features. In furtherance thereof, design standards, ordinances, and reports for the Historic Landmarks are on file with the City's planning department and are incorporated by reference and made a part of this UDO. Also in furtherance thereof, design standards, ordinances, and reports for the -HOD-G are on file with the City's planning department, with reference as listed immediately below, and are incorporated by reference and made a part of this UDO.

- a. Blount Street
 - b. Boylan Heights
 - c. Capitol Square
 - d. Glenwood-Brooklyn (-HOD-S, see 5.4.2)
 - e. Moore Square
 - f. Oakwood
 - g. Oberlin Village
 - h. Prince Hall
2. The current edition of "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the sole standards and guidelines used in reviewing applications submitted by the State of North Carolina for a Certificate of Appropriateness.
- ~~3. The issuance of a Certificate of Appropriateness shall not be prohibited in situations where, owing to special conditions affecting the structure (such as topography, availability of materials, and lot size) but not affecting the -HOD-G or Historic Landmarks generally, compliance with the historic development standards would cause an unusual and unnecessary hardship on the property owner beyond that which other property owners in the -HOD-G or of Historic Landmarks would meet.~~

Sec. 5.4.2. Streetside Historic Overlay District (-HOD-S)

A. Purpose and Objectives

1. The -HOD-S is established to provide for protection of the traditional development patterns of an area and to preserve historic resources found in it. The focus is on maintaining that character and on preserving those key character-defining

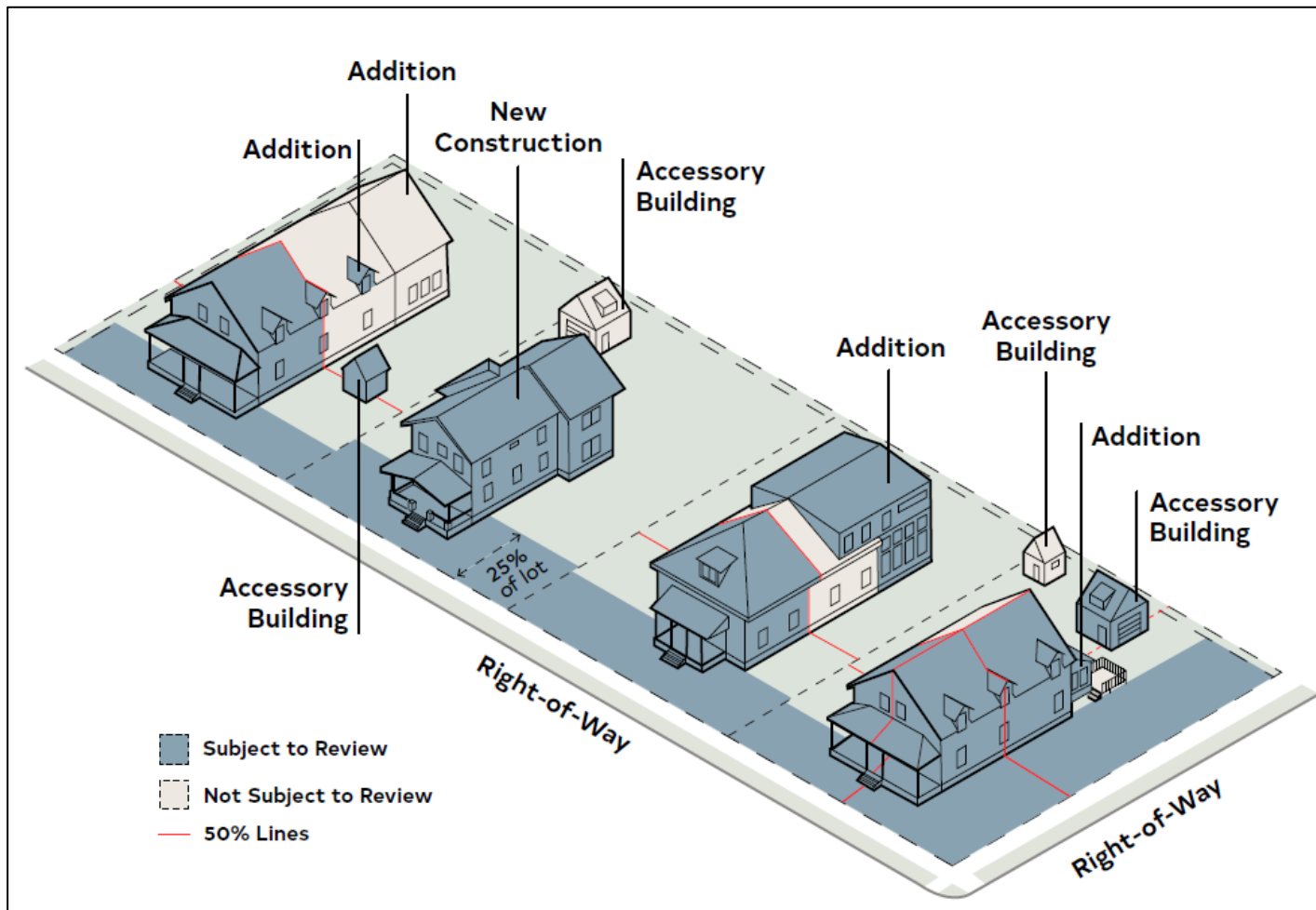
features of individual historic resources within the district, as viewed from the street right-of-way, excluding alleys (as further defined below).

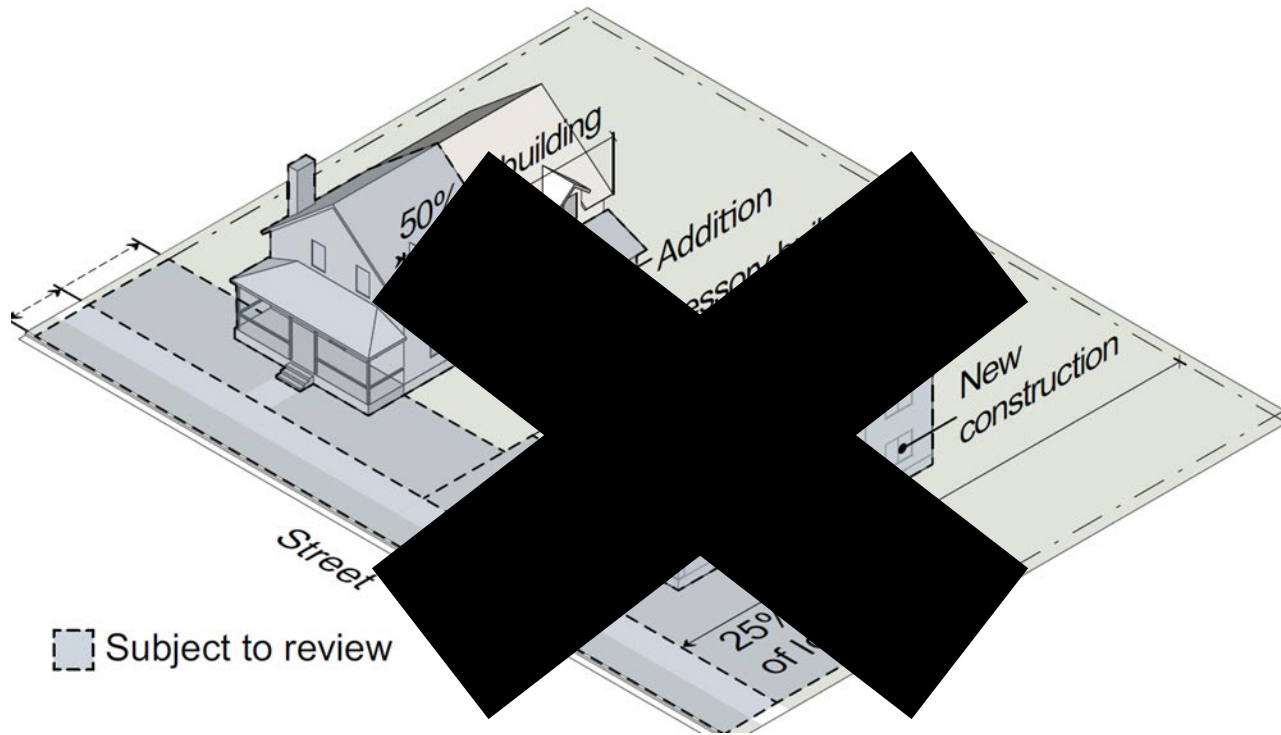
2. A -HOD-S consists of areas that are deemed to be of special significance in terms of their history, prehistory, architecture, ~~archeology~~ or culture, and to possess integrity of design, setting, materials, feeling, and or association.
3. The -HOD-S has the following objectives:
 - a. To promote the preservation and continued use of areas that contain a number of properties of historic significance;
 - b. To preserve the integrity of historically significant resources found in the area;
 - c. To support sustainability by reusing existing built resources; and
 - d. To assure that new construction is compatible with the broader characteristics of the historic context of area, as viewed from the street.

B. Applicability

1. This section applies to each -HOD-S designated by the City Council.
2. The provisions of Sec. 5.4.1.C through 5.4.1.H., including design standards, ordinances, and reports, ~~with the exception of Sec. 5.4.1.C.3.iii,~~ govern the administration of a -HOD-S, but apply only to the following areas within the boundaries of each -HOD-S:
 - a. The public right-of-way for primary and side streets;
 - b. The lot area between the public rights-of-way and the facade of any existing primary building or structure;
 - c. 25% of the depth of the lot area adjacent to the public right-of-way for vacant lots;
 - d. The first 50% of the depth of any existing principal building from the facade adjacent to a public right-of-way; provided that, in the case of doors or windows having any portion within that depth, review shall be had to the outside edges of the window and/or door frames and trim;
 - e. The entirety of Any any addition to a building or structure that projects beyond an the existing building footprint as defined, including roof plane projections 's maximum front and side wall and roof plane envelope regardless of distance from the public right-of-way; Excepting corner and through lots, this provision does not apply to additions projecting only beyond the existing building's rear wall;
 - f. The entirety of any new principal building construction on a vacant lot;
 - g. The entirety of any new accessory building construction located in whole or in part in areas Sec. 5.4.2.B.2.b. through Sec. 5.4.2.B.2.d. above; and

h. The entirety of any Historic Landmark and its designated boundary area that may be located within a -HOD-S.





Section 10.1.4 Historic Development Commission

A. In General

1. Purpose

- a. The City is authorized by the North Carolina General Statutes to safeguard the heritage of the City by preserving any property or district that embodies important elements of its culture, history, architectural history or prehistory and to promote the use of and conservation of historic districts and historic landmarks for the education, pleasure and enrichment of the residents of the City and state as a whole.
- b. The purpose of the Historic Development Commission is to provide the organizational vehicle by which certain areas, structures, buildings and objects within the City's planning jurisdiction that have special significance in terms of history, prehistory, architecture, archaeology and culture and possess integrity of design, setting, materials, feeling and association may be preserved and protected.

2. Composition

- a. The Historic Development Commission consists of 12 members, appointed by City Council, in accordance with the City Code or other applicable law. ~~for uniform overlapping 2-year terms.~~
- b. A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.
- c. All members shall reside either within the City's corporate limits or within its extraterritorial jurisdiction area.
- d. At least ¼ of the membership shall either reside or own property in a Historic Overlay District or that is designated as a Raleigh Historic Landmark.
- e. The Historic Development Commission may appoint advisory bodies and committees as appropriate.
- f. ~~In event of a vacancy, the City Council shall appoint a new member within 60 days; members shall serve until their successors have been appointed.~~ The Certificate of Appropriateness Committee, appointed by the Historic Development Commission, shall be responsible for acting on and issuing Certificates of Appropriateness, pursuant to North Carolina Session Law 1993-168.
- g. In event of a vacancy, the City Council shall appoint a new member within 60 days; members shall serve until their successors have been appointed.

3. Rules of Procedure

- a. The Historic Development Commission ~~may~~ shall establish its own rules of procedure, subject to approval by the City Council.
- b. The rules of procedures shall at minimum provide for selection of the officers of the Commission, ~~the time and place of its regular meetings~~ monthly meetings, which shall at least be held monthly, the calling of special meetings and the procedures for the conduct of public and quasi-judicial hearings and voting.
- c. The Historic Development Commission shall elect from its membership a chairperson and vice-chairperson, who shall serve for terms of 1 year, who shall be eligible for reelection and who shall have the right to vote. The chairperson shall preside over the Commission.
- d. In the absence or disability of the chairperson, the vice-chairperson shall perform the duties of the chairperson.
- e. The rules, regulations, minutes and actions of the Historic Development Commission shall be maintained as a separate document as a public record at the office of the Commission.

B. General Authority

The powers of the Historic Development Commission are as follows.

1. Undertake an inventory of properties of historical, prehistorical, architectural, ~~archaeological~~ and/or cultural significance.
2. Recommend to the City Council districts or areas to be designated as a Historic Overlay District and recommend individual structures, buildings, sites, areas or objects to be designated as Historic Landmarks.
3. Recommend to the City Council that designation of any area as a Historic Overlay District or part of a Historic Overlay District be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas or objects as Historic Landmarks be revoked or removed for cause.
4. Restore, preserve and operate historic properties.
5. Conduct an educational program with respect to historic properties and districts within its jurisdiction.
6. Cooperate with the State, Federal and local governments. The City Council or the Historic Development Commission, when authorized by the City Council, may contract with the State or the United States of America or any agency of either or with any other organization provided the terms are not inconsistent with State or Federal law.
7. Request the advice and assistance of any officer or agency of the City Council with respect to any matter arising under its purview.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private land for examination or survey. However, no member, employee or agent of the Historic Development Commission may enter any private building or structure without either the express consent of the owner or occupant or authority of law.
9. Conduct any meetings or hearings necessary to carry out the responsibilities of the Historic Development Commission.
10. Acquire by any lawful means the fee or any lesser included property interest, including options to purchase, to properties within any established Historic Overlay District or to any properties designated as Historic Landmarks, to hold, manage, preserve, restore and improve the same and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings or structures acquired by the Historic Development Commission from funds other than those appropriated by the City Council may be acquired and held in the name of the Historic Development Commission, the City or both.
11. Recommend to the City Council acquisition of the fee or any lesser included property interest (including public access), preservation easements and other covenants of historic property. The City Council may make appropriations and own such property under the following conditions:
 - a. Acquisition. Within the limits of its jurisdiction for planning and regulation of development the City Council may acquire properties within Historic Overlay Districts and/or properties designated as Historic Landmarks. In the event the property is acquired but is not used for some other governmental purpose, it shall be deemed to be “museum” under the

provisions of General Statutes notwithstanding the fact that the property may be or remain in private use, so long as the property is made reasonably accessible to and open for visitation by the general public;

- b. Ownership. All lands, buildings, structures, sites, areas or objects acquired by funds appropriated by the City Council shall be acquired in the name of the City unless otherwise provided by the City Council. So long as owned by the City, historic properties may be maintained by or under the supervision and control of the City; and
 - c. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.
- 12. Take steps, during the period of postponement of demolition of any Historic Landmark or property within a Historic Overlay District, to ascertain what the City Council can or may do to preserve such property, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of potential acquisition by the City Council when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and or architectural significance.
 - 13. Propose to the City Council changes to the Historic Overlay District regulations or any other ordinance and propose new ordinances or laws relating to Historic Landmarks and the Historic Overlay District or relating to a total program for the protection or development of the historic resources of the City.
 - 14. Study and recommend to the City Council means by which historic preservation efforts can be coordinated and strengthened.
 - 15. Study and recommend revisions to the Historic Preservation Element of the Comprehensive Plan.
 - 16. Review and act upon proposals ~~for restoration, alteration, reconstruction, relocation, demolition or new construction~~ to construct, alter, move, or demolish within a Historic Overlay District, pursuant to procedures established in the this UDO for such activities on ~~and for proposals for alteration, reconstruction, restoration, relocation, new construction or demolition of~~ designated Historic Landmarks outside a Historic Overlay District, pursuant to procedures outlined in the this UDO. Report violations of Historic Landmark and Historic Overlay District regulations or other ordinances affecting Historic Landmarks and properties within Historic Overlay Districts, to the appropriate enforcement agency.
 - 17. Accept funds to be used for preservation purposes that are granted to the Historic Development Commission by private individuals, organizations and local governing bodies.
 - 18. Receive appropriations as may be made to the Historic Development Commission by the City Council.
 - 19. ~~City Planning shall provide such technical, administrative and clerical assistance as required by the Historic Development Commission.~~

C. Specific Review Authority

- 1. The Historic Development Commission is responsible for review and recommendation regarding:

- a. Historic district rezoning; and
 - b. Historic landmark designation.
2. The Historic Development Commission is responsible for review regarding Non-Subdivision Final Plat and Recorded Instruments.

D. Specific Approval Authority

The Historic Development Commission or authorized committee is responsible for final action regarding:

1. Certificates of appropriateness that are subject ~~to summary proceedings or~~ to a quasi-judicial evidentiary hearing; and
2. Subdivision approvals in a Historic Overlay District or for a designated Historic Landmark. These decisions are subject to a quasi-judicial evidentiary hearing.

Sec. 10.1.8. Summary of Review Authority

The following table summarizes the review and approval authority of the various review bodies with regard to this UDO.

APPROVAL PROCESS	ADMINISTRATION		REVIEW BODIES						PUBLIC NOTICE			
	x-ref	City Official	Historic Development Commission	Appearance Commission	Board of Adjustment	Planning Commission	City Council	Neighborhood Meeting	Web	Site Posted	Mailed	Published
Comprehensive Plan Amendment	Sec. 10.2.2.	RR				RR	D-PH		Y		Y ⁽²⁾	Y ⁽³⁾
Text Amendment to UDO	Sec. 10.2.3.	RR				RR	D-PH		Y			Y ⁽³⁾
Rezoning Map Amendment and TCZ	Sec. 10.2.4.	R				RR	D-PH	Y	Y	Y ⁽⁶⁾	Y	Y ⁽³⁾
Subdivision Review	Sec. 10.2.5.											
Preliminary Subdivision Plan									Y		Y	
Final Subdivision Plat												
Subdivisions in a -HOD-G or -HOD-S or properties with Historic Landmarks									Y	Y	Y	Y
Other Map Approvals									Y			
Non-Subdivision Final Plat and Recorded Instruments					A-QH				Y			
Site Plan Review					A-QH				Y	Y	Y	
Special Use Permit					D-QH				Y	Y	Y	
Variance					D-QH				Y	Y	Y	
Common Signage Plan					A-QH							
Temporary Use Permit					A-QH				Y			
Written Interpretation of UDO					QH				Y	Y ⁽⁵⁾	Y ⁽⁵⁾	
Certificate of Appropriateness												
Minor									Y			
Major									Y	Y	Y	Y
Historic Landmark Designation	Sec. 10.2.16.	R					D-JH		Y	Y		Y
Design Alternate	Sec. 10.2.17.	R				D-QH ⁽⁴⁾			Y	Y	Y	
Vested Rights	Sec. 10.2.18.	R					D-QH		Y	Y	Y	Y
Development Agreements	Sec. 10.2.20.	R					D-PH		Y	Y	Y	
Major Modification Development Plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO		R				D-QH						
Miscellaneous Zoning Permit		D			A-QH							

KEY: R = Review RR = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing QH = Quasi-Judicial Public Hearing JH = Joint Public Hearing with Historic Development Commission Y = Required

⁽¹⁾ Historic Development Commission reviews applications in -HOD-G, -HOD-S or properties with Historic Landmarks.

⁽²⁾ Staff to provide mailed notice to non-applicant property owners of proposed future land use map alterations in accordance with Comprehensive Plan.

⁽³⁾ Published notice is only required for the Public Hearing.

⁽⁴⁾ Planning Commission or Appearance Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

⁽⁵⁾ Site posting and mailed notice provided only for written interpretations associated with a specific site plan or subdivision.

⁽⁶⁾ Site posting is only required for Public Hearing in accordance with Sec. 10.2.1.C.4.

⁽⁷⁾ Reserved

	ADMINISTRATION		REVIEW BODIES					PUBLIC NOTICE				
APPROVAL PROCESS	X-ref	City Official	Historic Development Commission	Design Review Commission	Board of Adjustment	Planning Commission	City Council	Neighborhood Meeting	Web	Site Posted	Mailed	Published
Comprehensive Plan Amendment	Sec. 10.2.2.	RR	RR			RR	D-PH		Y		Y ⁽²⁾	Y ⁽³⁾
Text Amendment to UDO	Sec. 10.2.3.	RR				RR	D-PH		Y			Y ⁽³⁾
Rezoning Map Amendment and TCZ	Sec. 10.2.4.	R	RR			RR	D-PH	Y	Y	Y ⁽⁶⁾	Y	Y ⁽³⁾
Subdivision Review	Sec. 10.2.5.											
Preliminary Subdivision Plan		D	RR						Y		Y	
Final Subdivision Plat		D										
Subdivisions in a -HOD-G or -HOD-S or properties with Historic Landmarks		R	D-QH						Y	Y	Y	Y
Other Map Approvals		D							Y			
Non-Subdivision Final Plat and Recorded Instruments	Sec. 10.2.6.	D	R ⁽¹⁾		A-QH				Y			
Site Plan Review	Sec. 10.2.8.C.1.d.	D			A-QH				Y	Y	Y	
Special Use Permit	Sec. 10.2.9.	R			D-QH				Y	Y	Y	
Variance	Sec. 10.2.10.	R			D-QH				Y	Y	Y	
Common Signage Plan	Sec. 10.2.12.	D			A-QH							
Temporary Use Permit	Sec. 10.2.13.	D			A-QH				Y			
Written Interpretation of UDO	Sec. 10.2.14.	D			A-QH				Y	Y ⁽⁵⁾	Y ⁽⁵⁾	
Certificate of Appropriateness	Sec. 10.2.15.											
Minor		D	A-QH						Y			
Major		R	D-QH ⁽⁷⁾						Y	Y	Y	Y
Historic Landmark Designation	Sec. 10.2.16.	R	RR-PH				D- JH PH		Y	Y	Y	Y ⁽³⁾
Design Alternate	Sec. 10.2.17.	R		D-QH ⁽⁴⁾		D-QH ⁽⁴⁾			Y	Y	Y	
Vested Rights	Sec. 10.2.18.	R					D-QH		Y	Y	Y	Y
Development Agreements	Sec. 10.2.20.	R					D-PH		Y	Y	Y	
Major Modification Development Plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO		R				D-QH						
Miscellaneous Zoning Permit		D			A-QH							

KEY: R = Review RR = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing QH = Quasi-Judicial Public Hearing ~~JH = Joint Public Hearing with Historic Development Commission~~ Y = Required

⁽¹⁾ Historic Development Commission reviews applications in -HOD-G, -HOD-S or properties with Historic Landmarks.

⁽²⁾ Staff to provide mailed notice to non-applicant property owners of proposed future land use map alterations in accordance with Comprehensive Plan.

⁽³⁾ Published notice is only required for the Public Hearing.

⁽⁴⁾ Planning Commission or Design Review Commission, performing the quasi-judicial duties of the Planning Commission (as designated by the City Council).

⁽⁵⁾ Site posting and mailed notice provided only for written interpretations associated with a specific site plan or subdivision.

⁽⁶⁾ Site posting is only required for Public Hearing in accordance with Sec. 10.2.1.C.4.

⁽⁷⁾ ~~Reserved~~ Pursuant to N.C. Session Law 1993-168, Certificates of Appropriateness are reviewed and decided by the Raleigh Historic Development Commission's Certificate of Appropriateness Committee.

Sec. 10.2.1. Common Review Procedures

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C. Application Requirements

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2. Published Notice

- a. When published notice is required, notice of the public hearing shall be published by the City at least once in a newspaper having general circulation in the City not more than 25 or less than 10 calendar days prior to the date of the public hearing.
- b. In the case of any ordinance adopting, amending or repealing any provision of this UDO, including zoning map amendments and landmark designations, notice of a public hearing shall be published once a week in a newspaper having general circulation within the City for 2 successive calendar weeks.
- c. In determining the time period, the day of publication is not to be included but the day of the hearing shall be included.

Section 10.2.4 Rezoning

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D. Application Requirements

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4. Additional Requirements for -HOD-G and -HOD-S Applications

- a. Any application for rezoning property for the designation of or amendment to an -HOD-G and or -HOD-S districts, not filed by the City, must be signed by all of the property owners within the area proposed new or amended historic overlay district.
- b. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any proposed -HOD-G and -HOD-S and a description of the boundaries of the district, changes in boundaries or de-designation due to loss of significance, shall be prepared and/or reviewed by the Historic Development Commission. The Historic Development Commission ~~City Council~~ shall refer the report to the North Carolina Department of Natural and Cultural Resources.
- c. The Department of Natural and Cultural Resources, acting through an agent or employee designated by its Secretary, may analyze and make recommendations concerning such report and description of proposed boundaries. Failure by the Department of Cultural Resources to submit its written analysis and recommendations to the City within 30 calendar days after a written request for such analysis has been received by the Department of Natural and Cultural Resources shall relieve the City of any responsibility for awaiting such analysis (N.C. Gen. Stat. §160D-944(b)(2)).

- d. The City Council shall refer the report and proposed boundaries to the Planning Commission, in accordance with Sec. ~~10.2.4.F.4.~~ 10.2.4.E.
- e. The City Council may refer the report to any other interested body for its recommendations prior to taking action to amend the Official Zoning Map.

Section 10.2.5 Subdivision Review

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G. Subdivisions in Historic Overlay District or for designated Historic Landmark

For preliminary subdivision plans within a Historic Overlay District or of a designated Historic Landmark, following the administrative review described in Sec. 10.2.5.E.2, above, the application shall be referred to the Historic Development Commission. The Historic Development Commission shall conduct a quasi-judicial evidentiary hearing in accordance with Sec. ~~10.2.15.~~ 10.2.1.D. The Commission shall take no action except to prevent the subdivision of land that would be incongruous with the special character of the district or the landmark.

Section 10.2.15 Certificate of Appropriateness

A. Jurisdiction

1. The Certificate of Appropriateness Committee (hereinafter "COA Committee") ~~Historic Development Commission~~ has jurisdiction for certificates of appropriateness for the exterior of all properties within the -HOD-G and -HOD-S.
2. The COA Committee ~~Historic Development Commission~~ has jurisdiction for certificates of appropriateness for the exterior of Historic Landmarks within Raleigh's zoning jurisdiction.
3. The COA Committee ~~Historic Development Commission~~ has jurisdiction for certificates of appropriateness for all designated interior spaces of Historic Landmarks within Raleigh's zoning jurisdiction.
4. Per North Carolina Session Law 1993-168, the Historic Development Commission has delegated to the Certificate of Appropriateness Committee its jurisdiction to issue certificates of appropriateness for all matters listed in 10.2.15(A)(1)–(3) above.

B. Expiration of Certificate of Appropriateness

1. A certificate of appropriateness shall expire 6 12 months after the decision is filed with the Clerk to the Board COA Committee ~~date of issuance if or approved administratively by staff unless~~ the work authorized by the certificate has ~~not~~ been substantially commenced.

2. If after commencement the work is discontinued for a period of 12 months, the permit shall immediately expire.
3. A certificate of appropriateness authorizing demolition shall expire if the work has not been commenced within 6 12 months after the ~~authorization~~ effective date set by the Commission. If after commencement the demolition work is discontinued for a period of 12 months, the approval shall immediately expire.
4. No work authorized by any certificate that has expired shall thereafter be performed until a new certificate has been secured.

C. Application

1. An application for a Certificate of Appropriateness shall be submitted in accordance with the general application requirements of Sec. 10.2.1.B. The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail as described on the form to clearly show the proposed exterior alternations, additions, changes, new construction, or alternations to designated interior features of Historic Landmarks. Multiple copies of the application shall be provided when so required by the instructions on the form provided by the City. Applications that are deemed incomplete by staff are not considered filed and will be held until required materials are provided. ~~All applications for a certificate of appropriateness are to be filed in the location noted on the current application form provided by the City.~~
2. Staff may advise the applicant and make recommendations with regard to appropriateness based upon the adopted historic development standards. ~~The application shall be filed in accordance with the City's filing calendar on the form provided by the City.~~
3. The applicant must be either the property owner of the subject property or one of the following individuals authorized by the property owner to make the application:
a. a person holding a valid option to purchase the property;
b. a person holding a valid lease for the property; or
c. a person holding a valid contract to purchase the property.
~~The application must be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, alterations to designated interior features of Historic Landmarks, additions, changes or new construction. The names and mailing addresses of property owners filing or subject to the application and the addresses of property within 100 feet on all sides of the property which is the subject of the application must also be filed. Multiple copies of the application shall be provided when so required by the instructions on the form provided by the City. No incomplete applications will be accepted.~~
4. ~~Staff may advise the applicant and make recommendations with regard to appropriateness based upon the adopted historic development standards.~~

D. ~~Action on Application for Certificate of Appropriateness~~ Approval Processes

1. Deadline

Applications for certificates of appropriateness shall be reviewed and acted upon within 90- 180 days from the date the application for a certificate of appropriateness is filed, as defined by this regulation. ~~or the commission's rules of procedure after the complete application is filed, ; otherwise the application shall be deemed to be approved and a certificate of appropriateness shall be issued. ; provided however, that t~~The COA Committee Commission may take the matter under advisement ~~for a total period of up to 180 days~~ to receive additional evidence or memoranda of authority requested by the Commission for its consideration. Nothing in this paragraph shall prohibit an extension of time where mutual consent is given.

2. Minor Works

Upon receipt of a completed application, the Planning Director may issue a certificate of appropriateness for minor works.

a. Defined

Minor works are defined as those changes that do not involve substantial alterations, additions or removals that could impair the integrity of the Landmark property or the Historic Overlay District as a whole. Minor works are limited to those listed in the ~~"Bylaws and Rules of Procedure" of the Historic Development Commission~~ table below.

MINOR WORK LIST

Changes to structures and features fall into 3 types: Alteration of, Removal of, and/or Construction/Installation of. The type of change that is considered Minor work can vary per item/feature in the list.

MINOR WORK LIST

Accessory structures (non-character-defining only): Removal of

Accessory structures under 12 feet in all directions (length, width, or height):
Construction/Installation of

Accessory structures with no expansion of building footprint: Alteration of

Additions to accessory structures, where the total remains under 12 feet in all directions (height, width, length): Construction of

Additions to a primary structure 50 sq. ft. or less (rear only): Construction/installation of

MINOR WORK LIST

Appurtenant features and accessory site features such as arbor, water feature, pergola, trellis, detached fireplace (non-character-defining only): Alteration/Construction/Installation/Removal of

Architectural details (non-character-defining only): Alteration/Construction/Installation/Removal of

Awnings/canopies: Alteration/Construction/Installation/Removal of

Carports/porte cocheres (non-character-defining only): Alteration/removal of

Chimneys (non-character-defining only): Alteration/Construction/Installation/Removal of

Decks that align with the main floor: Alteration/Construction/Installation/Removal of

Doors/door openings/trim (non-character-defining only): Alteration/removal of

Doors/door openings/trim on non-character-defining facades:
Alteration/Construction/Installation/Removal of

Driveways: Alteration/Construction/Installation/Removal of

Exterior surfaces (non-character-defining only): Alteration/Construction/Installation/Removal of

Fences/walls 6' in height or less: Alteration/Construction/Installation/Removal of

Foundations: Alteration of

Gutters and downspouts: Alteration/Construction/Installation/Removal of

Hedges or other screen plantings: Alteration/Construction/Installation/Removal of

Lighting fixtures: Alteration/Construction/Installation/Removal of

Mailboxes: Alteration/Construction/Installation/Removal of

Parking lots: Alteration/removal of

Part of a structure (non-character-defining): Removal of

Patios: Alteration/Construction/Installation/Removal of

Porches: Alteration of

MINOR WORK LIST

Porches (non-character-defining only): Removal of

Railings, front step: Alteration/Construction/Installation/Removal of

Ramps/lifts: Alteration/Construction/Installation/Removal of

Roof coverings: Alteration of

Shutters: Alteration/Construction/Installation/Removal of

Signs: Alteration/Construction/Installation/Removal of

Skylights: Alteration/Construction/Installation/Removal of

Solar collectors: Alteration/Removal of

Solar collectors (on non-front-sloping roofs and not over historic roofing material):
Construction/Installation of

Stairs and steps: Alteration/Construction/Installation/Removal of

Storefronts or features (non-character-defining only): Alteration/Construction/Installation/Removal
of

Storm doors and storm windows: Alteration/Construction/Installation/Removal of

Swimming pools: Alteration/Construction/Installation/Removal of

Trees with a combined stem girth of 10 inches and greater in diameter, measured 4-1/2 feet above
ground level when a replacement tree of similar species, mature height, and canopy coverage is
proposed: Removal of

Utility equipment, such as mechanical units, electric vehicle charging units, and meters, satellite
dishes and/or antennas: Alteration/Construction/Installation/Removal of

Vents (non-character-defining only): Alteration/Construction/Installation/Removal of

Walks: Alteration/Construction/Installation/Removal of

Windows/window openings/sash/trim (non-character-defining only): Alteration/removal of

MINOR WORK LIST

Windows/window openings/sash/trim on non-character-defining facades:
Alteration/Construction/Installation/Removal of

Changes to Certificates of Appropriateness that if, standing alone, would qualify as a Minor Work.
Renewal of expired Certificates of Appropriateness, except those issued with a demolition delay.

Work Items not listed here for which a clear citation can be made for congruity with the historic district or landmark using the associated historic development standards.

b. Procedure

- i. Applications for minor works shall be reviewed by the Planning Director according to the applicable historic development standards.
- ii. ~~A report describing all certificates of appropriateness for minor works shall be forwarded to the Historic Development Commission, for its information, at its next regularly scheduled meeting.~~ Staff will refer Minor Work projects to the COA Committee for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the design standards, or are of a precedent-setting nature.
- iii. ~~Failure to approve the requested minor work by the Planning Director shall in no way interfere with the applicant's right to be heard by the Historic Development Commission—no application for a certificate of appropriateness may be denied without formal action by the Historic Development Commission.~~ A report of the approved certificates of appropriateness for minor works shall be forwarded to the COA Committee, for its information, at its next regularly scheduled meeting.
- iv. ~~Appeals of administrative decisions to approval a Minor Work are heard by the Historic Development Commission. Notice of appeal shall be filed with the Department of City Planning within 30 days after the date the application for Minor Works was affirmatively decided.~~ An appeal stays all work on the approved Minor Work during the review period of the Historic Development Commission. Failure to approve the requested minor work by the Planning Director shall in no way interfere with the applicant's right to be heard by the COA Committee—no application for a certificate of appropriateness may be denied without formal action by the COA Committee.

- v. Appeals of administrative decisions to approve a Minor Work are heard by the COA Committee. Notice of appeal shall be filed with the Department of City Planning and Development within 30 days after the date the application for Minor Works was affirmatively decided.

3. Notice

- a. ~~Whenever a hearing on the application is to be heard by the Commission, City Planning shall make a reasonable attempt to identify and notify by mail the owners of property within 100 feet on all sides of the property that is the subject of the pending application.~~
- b. ~~Mailed notices are for the convenience of the property owners and occupants and any defect or their omission shall not impair the validity of issuing a certificate of appropriateness or any following action.~~

The quasi judicial hearing shall be noticed in accordance with the provisions of Sec. 10.1.8 and Sec. 10.2.1.C.

3. 4. Hearing Major Works

- a. ~~City~~ The Planning Director shall prepare a report and transmit the application for a certificate of appropriateness, together with the supporting material, to the review body for its consideration.
- b. ~~Prior to the issuance or denial of a certificate of appropriateness by the Commission, the applicant and persons meeting the criteria for standing in G.S. 160D-1402 shall be given the opportunity to be heard at the hearing.~~ Following notice as required in Sec. 10.1.8 and Sec. 10.2.1.C, the COA Committee shall hold a quasi-judicial public hearing as set forth in Sec. 10.2.1.D.1.
- c. ~~All meetings of the Historic Development Commission shall be open to the public in accordance with the North Carolina open meetings law, N.C. Gen. Stat. Chapter 143, Article 33B.~~
- d. ~~c.~~ Interior arrangement shall not be considered by the COA Committee ~~review body~~ and no certificate of appropriateness is required for interior repairs or renovations, except for designated interior features of Historic Landmarks as allowed in Sec. 10.2.16.D.2.
- e. ~~d.~~ The COA Committee ~~review body~~ shall not refuse to issue a certificate of appropriateness except for the purpose of preventing the changes outlined in 5.4.1.C.2 ~~construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features in the -HOD-G, -HOD-S or for Historic Landmarks, which would be incongruous with the special character of the district or Landmark.~~
- f. ~~e.~~ The COA Committee ~~Commission~~ shall render its decision in written form, including its reasons for issuing or denying the certificate and a summary of any citation to the evidence, testimony, studies or other authority upon which it based its decision.

- ~~g.~~ Without objection from any interested parties, the Historic Development Commission may hold summary proceedings on Certificates of Appropriateness. Such proceedings shall be a public meeting and the Commission's decision shall be rendered in written form.
- ~~h.~~ f. In all proceedings or public hearings before the COA Committee ~~Historic Development Commission~~ with regard to an application for a certificate of appropriateness, the burden of producing substantial, competent and material evidence or testimony is upon the applicant and if the applicant fails to do so, the COA Committee ~~Commission~~ shall deny the certificate.
- ~~i.~~ g. Notwithstanding any other provisions of this UDO, the COA Committee ~~Historic Development Commission~~ may require additional evidence or memoranda of authority to be submitted and may take the matter under advisement until such evidence or memoranda have been submitted and considered up to the 180-day limit established above.
- ~~j.~~ h. As part of its deliberation, the COA Committee ~~Commission~~ may view the premises and seek the advice of the North Carolina Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.
- ~~k.~~ i. The COA Committee's ~~Commission's~~ action on the application shall be approval, approval with conditions, deferral or denial.
- ~~l.~~ j. Notice of decision shall be provided as required in Sec. 10.2.1.C.6.

E. Demolition of Buildings, Structures and Sites

1. General

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site within any Historic Overlay District or Historic Landmark may not be denied except as provided below for Statewide Significance. However, the ~~authorization effective~~ date of such a certificate may be delayed for a period of up to 365 days from the date of ~~issuance~~ approval. The maximum period of delay authorized by this section shall be reduced by the COA Committee ~~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 COA Committee ~~Commission~~ ~~may~~ shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building, structure or site. If the COA Committee ~~Commission~~ finds that the building, structure or site has no ~~particular~~ special significance or value toward maintaining the character of the Historic Overlay District or Historic Landmark, it shall waive all or part of such period and authorize earlier demolition or removal.

2. Pending Historic Landmark and within a Pending -HOD-G or -HOD-S

- ~~a.~~ Where the Historic Development Commission has voted to recommend designation of a property as a Historic Landmark or an area as a -HOD-G or -HOD-S and final designation has not been made by the City Council, the demolition or

destruction of any building, site or structure proposed as a Landmark or located in the proposed district may be delayed by the Commission for a period of up to 180 days through the COA process or until the City Council takes final action on the designation, whichever occurs first.

~~b. Should the Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition must then be filed; however, the maximum period of authorization date delay for such demolition certificate shall be reduced by the Commission equal to the period of delay while the designation was pending.~~

3. Statewide Significance

An application for a certificate of appropriateness authorizing the demolition or destruction of a building, structure or site determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the COA Committee Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

4. Compliance with Other Law

Issuance of a certificate of appropriateness shall not relieve the applicant, contractor, tenant or property owner from obtaining any other permit required by this UDO or any law.

F. Appeals

1. Appeals from the Historic Development Commission are to Wake County Superior Court pursuant to N.C. Gen. Stat. §160D-1402.
2. The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission or any successor agency. Notice to the Historic Development Commission shall be served on the same day and in the same manner as for the North Carolina Historical Commission unless oral notice of appeal is given to the Historic Development Commission during the meeting at which the decision is rendered. The decision of the North Carolina Historical Commission shall be final and binding upon both the state and the Historic Development Commission.

G. Effect of Conflict with Other Ordinances

Whenever any ordinance adopted pursuant to N.C. Gen. Stat. Part 4, Article 9, Chapter 160D requires a longer waiting period or imposes other higher standards with respect to a designated historic landmark or designated –HOD-G or –HOD-S than are established under any other statute, charter provision or regulation, Part 4 shall govern. Whenever the provisions of any other

statute, charter provision, ordinance or regulation require a longer waiting period or impose other higher standards than are established under general statute, such other statute, charter provision, ordinance or regulation shall govern.

Section 10.2.16 Historic Landmark Designation

A. Applicability

1. The City Council shall designate Historic Landmarks.
2. Designations and amendments shall be made in accordance with the provisions of this section. Removing the designation from a Historic Landmark shall also follow the provisions of this section.

B. Application Requirements

1. ~~Designation Reports~~ Application

The application form for historic landmark designation and associated designation report shall be submitted in accordance with 10.2.1.B.

~~The Historic Development Commission shall make, or cause to be made, an investigation and report on the historical, prehistorical, architectural, archaeological and cultural significance of each building, structure, site, area or object proposed for designation. Applications prepared by owners will be judged by the same criteria as those prepared by the commission. Such reports shall contain the following information:~~

- ~~a. The name of the property to be considered for designation—both common and historic names, if they can be determined;~~
- ~~b. The name and address of the current property owner;~~
- ~~c. The location of the property proposed to be designated historic, including the street address and County tax map and parcel numbers or the parcel identification number;~~
- ~~d. The date of construction and of any later alterations, if any;~~
- ~~e. An assessment of the significance of the site or structure based on the criteria for designation cited below;~~
- ~~f. An architectural or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant features are proposed to be designated, the report shall contain a description of those features;~~
- ~~g. A historical discussion of the site or structure within its type, period and locality;~~

- ~~h. Archival photographs and/or digital images that clearly depict the property proposed to be designated, including views of all facades, pertinent details and siting, as outlined in the supporting information requirements of the current form for Historic Landmark Designation provided by the City; and~~
- ~~i. A map showing the location of the property, including any outbuildings and appurtenant features.~~

2. Elements of Ordinances Designating Historic Landmarks: Designation Reports

The application form shall be accompanied by an investigation and report on the historic, prehistorical, educational, architectural, and/or cultural significance of each building, structure, site, area or object proposed for designation. Requirements for a designation report are found on the application form.

~~Ordinances designating historic landmarks shall contain the following elements which shall:~~

- ~~a. Describe each property designated in the ordinance, including the approximate area of the property so designated;~~
- ~~b. List the name or names of the owner or owners of the property;~~
- ~~c. Describe those elements of the property that are integral to its historical, prehistorical, architectural, archaeological and/or cultural significance;~~
- ~~d. Describe the nature of the commission's jurisdiction over the interior, if any and those interior features of the property to be reviewed for certificates of appropriateness if they are to be changed;~~
- ~~e. Require, for each building, structure, site, area or object designated as an historic landmark that the waiting period set forth in the general statutes be observed prior to its demolition;~~
- ~~f. Provide, for each designated historic landmark, a suitable sign or plaque indicating that the property has been so designated. If the owner consents, the sign or plaque shall be placed upon the property; if the owner objects, the sign or plaque shall be placed on a nearby public right-of-way; and~~
- ~~g. Recite any other information the governing body deems necessary within the authority conferred by the General Statutes.~~

3. Interior Spaces

- a. Owner consent is required for the designation of interior spaces.
- b. The application must specify the interior features to be included in the designation.

C. Approval Process Elements of Ordinances Designating Historic Landmarks

Ordinances designating historic landmarks shall contain the following elements which shall:

1. Describe each property designated in the ordinance, including the approximate area of the property so designated;
2. List the name or names of the owner or owners of the property;

3. Describe those elements of the property that are integral to its historical, prehistorical, architectural and/or cultural significance;
 4. Describe the nature of the commission's jurisdiction over the interior, if any and those interior features of the property to be reviewed for certificates of appropriateness if they are to be changed;
 5. Require, for each building, structure, site, area or object designated as an historic landmark that the waiting period set forth in the general statutes be observed prior to its demolition;
 6. Provide, for each designated historic landmark, a suitable sign or plaque indicating that the property has been so designated. If the owner consents, the sign or plaque shall be placed upon the property; if the owner objects, the sign or plaque shall be placed on a nearby public right-of-way; and
 7. Recite any other information the governing body deems necessary within the authority conferred by the General Statutes.
- ~~Ordinances designating Historic Landmarks shall be adopted and amended according to the following procedure.~~

~~1. Planning Director Action~~

~~The Planning Director shall review the designation report and ordinance for conformance to the Application Requirements and provide a report to the Historic Development Commission and City Council that the documents are in conformance with this UDO's requirements.~~

~~2. Historic Development Commission Recommendation~~

~~The Commission shall forward its recommendation on the report to the City Council. The Council shall refer the report to the State Department of Cultural Resources, Office of Archives and History.~~

~~3. Department of Cultural Resources Action~~

~~The Department of Cultural Resources, acting through the State Historic Preservation Officer or designee, may make an analysis of and recommendations concerning the report. If the Department does not submit its written comments or recommendations in connection with any proposed designation within 30 days following a written request for such analysis has been received by the department, the Commission and the City Council shall be relieved of any responsibility to consider such comments.~~

~~4. Historic Development Commission and City Council Joint Public Hearing~~

- ~~a. The Historic Development Commission and the City Council shall hold a joint public hearing on the report and proposed ordinance.~~
- ~~b. Notice of the hearing shall be published at least once in a newspaper generally circulated within the City. Written notice of the hearing shall also be mailed by the Historic Development Commission to all owners and occupants of properties whose identity and current mailing address can be ascertained by the exercise of reasonable diligence.~~

- c. ~~All such notices shall be published or mailed not less than 10 nor more than 25 days prior to the date set for the public hearing.~~
- d. ~~The mailed notices in this subsection are for the convenience of property owners and occupants and any defect or their omission therein shall not impair the validity of the public hearing or any action following therefrom.~~
- e. ~~Following the Joint Public Hearing, the City Council shall refer the proposed ordinance to the Commission for final review and recommendation.~~

~~5. Historic Development Commission Action~~

- a. ~~Taking into consideration the written comments and recommendations of the Department of Cultural Resources and information received during the Public Hearing, if any, the commission shall make a final recommendation to City Council. The commission may recommend any amendments to the report or ordinance.~~
- b. ~~Upon adoption of the ordinance or any amendments, the commission shall give written notification of such designation to the owners and occupants of each designated historic property, insofar as reasonable diligence permits.~~
- c. ~~One copy of the ordinance and each amendment shall be filed by the Historic Development Commission in the office of the County Register of Deeds. Each historic property designated as a historic landmark in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the Register of Deeds office and the Historic Development Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and of each amendment shall be kept on file in the City Clerk's office and shall be made available for public inspection at any reasonable time. A third copy of the ordinance and each amendment shall be given to the director of the Inspections Department.~~
- d. ~~Upon adoption of the ordinance or any amendments, the Historic Development Commission shall give notice to the County tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the assessor in appraising it for tax purposes. The fact that a building, structure, site, area or object has been designated a Historic Landmark shall be clearly indicated on all tax maps maintained by the County or City for such period as the designation remains in effect.~~

~~6. City Council Action~~

~~Following the joint public hearing and upon receipt of the Commission's final recommendation, the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary or reject the proposal. If the City Council rejects a designation report, a copy of the minutes of the meeting at which such a decision to reject the report was made shall be mailed to the owner of the property proposed for designation.~~

D. ~~Considerations for Approval~~ Approval Process

Ordinances designating Historic Landmarks shall be adopted and amended and rescinded according to the following procedure.

1. Planning Director Action

- a. The Planning Director shall review the application for landmark designation for conformance to the application requirements against the applicable requirements of this UDO and the designation report requirements of the City.
- b. Following review, the Planning Director shall prepare a report and forward to the Historic Development Commission.
- c. During the period of Department of Natural and Cultural Resources review, the Planning Director shall draft a designation ordinance for review by the Historic Development Commission and City Council.

2. Department of Natural and Cultural Resources Review

The Commission shall review the application and forward the designation report to the State Department of Natural and Cultural Resources, Office of Archives and History.

The Department of Natural and Cultural Resources, acting through the State Historic Preservation Officer or designee, may make an analysis of and recommendations concerning the report. If the Department does not submit its written comments on any proposed designation within 30 days from receipt of the investigation and report, the Commission and the City Council shall be relieved of any responsibility to consider the comments.

3. Historic Development Commission Action

- a. The Historic Development Commission shall hold a legislative hearing on the designation report and proposed ordinance.
- b. The legislative hearing shall be noticed in accordance with the provisions of Sec. 10.1.8. and Sec. 10.2.1.C.
- c. Written notice of the hearing shall also be mailed to all owners and occupants of the subject property(ies) whose identity and current mailing address can be ascertained by the exercise of reasonable diligence.
- d. Taking into consideration the criteria for designation, written comments of the Department of Natural and Cultural Resources, and information received during the legislative hearing, if any, the Commission shall make a recommendation to City Council.

4. City Council Action

- a. The City Council shall hold a legislative hearing on the designation report and proposed ordinance.
- b. The legislative hearing shall be noticed in accordance with the provisions of Sec. 10.1.8. and Sec. 10.2.1.C.
- c. Following the legislative hearing, the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the ordinance. It may also choose to refer the proposed ordinance to the Commission for additional review and recommendation.

1. ~~Criteria for Designation~~

~~No building, structure, site, area or object shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Development Commission to be of special significance in terms of its historical, prehistorical, architectural, archaeological and cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and association.~~

~~2. Limitations on Interior Designation and Review~~

~~Jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned historic landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent has been filed in the office of the County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over those features.~~

E. Action Following City Council Decision

- a. Upon adoption of the ordinance or any amendments, the Commission shall give written notification of the designation to the owners and occupants of each designated historic property within a reasonable time.
- b. One copy of the ordinance and each amendment shall be filed in the office of the County Register of Deeds. Each historic property designated as a historic landmark in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the Register of Deeds office.
- c. A second copy of the ordinance and of each amendment shall be kept on file in the City Clerk's office and shall be made available for public inspection at any reasonable time.
- d. A third copy of the ordinance and each amendment shall be given to the local government building inspector.
- e. Upon adoption of the ordinance or any amendments, the Commission shall give notice to the County tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the assessor in appraising it for tax purposes. The fact that a building, structure, site, area or object has been designated a Historic Landmark shall be clearly indicated on all tax maps maintained by the County or City for such period as the designation remains in effect.
- f. If the City Council rejects a designation report, a copy of the minutes of the meeting at which such a decision to reject the report was made shall be mailed to the owner of the property proposed for designation.

F. Considerations for Approval

1. Criteria for Designation

No building, structure, site, area or object shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic Development Commission to be of special significance in terms of its historic, prehistorical, architectural, educational and/or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

2. Limitations on Interior Designation and Review

Jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned historic landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent has been filed in the office of the County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The landmark designation ordinance shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over those interior features.

Article 12.2. Defined Terms

c

Character-defining

Prominent or distinctive aspect, quality, or characteristic of a building or site that contributes to its special significance as identified in the historic landmark, -HOD-G, or -HOD-S designation report.

e

Exterior Features

~~Important landscape and natural features, significant archaeological features, 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, color and scale of the building and the type, color, style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor signs, exterior features shall be construed to mean style, material, size, color and location of all such signs.~~

f

Footprint

The enclosed horizontal area of a building within and including the perimeter of all exterior walls. This shall not include unenclosed building features such as porches, decks, and stoops.