Public Hearing on Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to amend various items in Chapter B, Article IV of the UDO (UDO-129).

B. Approval of Ordinance

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:-    X  YES      ___NO

SIGNATURE: _______________________________ DATE: _______________________________
<table>
<thead>
<tr>
<th>ACTION REQUEST FORM</th>
</tr>
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<tbody>
<tr>
<td>DATE: February 23, 2005</td>
</tr>
<tr>
<td>TO: The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM: A. Paul Norby, AICP, Director of Planning</td>
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</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to amend various items in Chapter B, Article IV of the UDO (UDO-129).

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to amend various items in Chapter B, Article IV of the UDO (UDO-129)

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
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<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>NOT REQUIRED</td>
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</table>
STAFF REPORT

DOCKET #: UDO-129
STAFF: Michelle M. McCullough

BACKGROUND

On January 5, 2005, the Forsyth County Historic Resources Commission (HRC) reviewed and voted to support the following amendments to the current UDO, as related to sections pertaining to historic preservation. These are the first proposed changes to the Historic Landmarks and Historic (H)/Historic Overlay (HO) Districts regulations of the UDO since its adoption in 1994 and is due in part to an increase in the number of Certificates of Appropriateness (COA) from the Historic Districts, Historic Overlay Districts, and Local Landmark Properties over the past few years. This increase in COA’s, which directly involves increased development and construction demands on historic areas or properties, has caused a need for further clarification through changed or added language to the UDO so that the mission of the HRC is maintained and achieved. This mission includes safeguarding 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; to stabilize and improve property values of Local Historic Landmarks and within the H and HO Districts; to foster civic beauty; and 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.

REPORT PER ITEM

The following UDO Text Amendments have been prepared and recommended by the Forsyth County Historic Resources Commission and the City-County Planning Board staff to accommodate editorial, non-substantive changes and clarifications; or additions of new sections for clarification throughout the UDO, as specified in the attached ordinances.

CHAPTER B, ARTICLE IV – “HISTORIC LANDMARKS AND HISTORIC/HISTORIC OVERLAY DISTRICTS”

REQUEST

1. To amend section 4-6.2(C) “PARKING VARIANCE” as follows:

“Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an H or HO District or is designated a Local Historic Landmark for which a building permit is required would render the building incongruous with the historic aspects of the designated district, it may recommend to the
Board of Adjustment a variance, in part or in whole, of the off-street parking requirements. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:

(1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and,

(2) The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.”

ANALYSIS

There are a large variety of rehabilitation or restoration activities that do not require a building permit. However, even without a requirement for a building permit, the dimensional requirements of the UDO, such as off-street parking requirements, must still be met. This proposal enables historic building that are not triggering a building permit process to request a dimensional variance, the same allowance for projects that do trigger a building permit currently enjoy.

STAFF RECOMMENDATION: APPROVAL

REQUEST

2. To amend section 4-7.4 (G) “TIME LIMITS” as follows:

“Each Certificate of Appropriateness is issued subject to the following two conditions:
(1) If a building permit is required to perform all or any part of the work authorized by a Certificate of Appropriateness, such building permit must be procured within six months from the date the Certificate of Appropriateness was issued and the work completed within one year from the date of Certificate of Appropriateness; and, (2) If a building permit is not required for any part of the work authorized by a Certificate of Appropriateness, such work must be completed within one year six months from the date the Certificate of Appropriateness was issued. Upon failure to comply with the application conditions, the Certificate of Appropriateness shall expire, subject to its being renewed. If a request is made to renew an expired Certificate of Appropriateness within twelve months of its issuance, Commission staff may renew it. All other renewals of an expired Certificate of Appropriateness may only be made by the Commission. A Certificate of Appropriateness shall be renewed unless it is found that a change has occurred that would allow the work authorized by the expired Certificate of Appropriateness to impair the integrity of an historic landmark, property, or district as a whole or would be incongruous with the special character of an historic landmark, property, or district. No request to renew that contemplates substantive changes to the
work authorized by the expired Certificate of Appropriateness may be granted. Such a request may be made by submitting an application for a new Certificate of Appropriateness.”

ANALYSIS

The six month time requirement is not a sufficient period of time for applicants to complete medium to large scale rehabilitation projects. Extending the time period decreases the number of renewals to be processed by staff through the Minor Work Provision of the Certification of Appropriateness process. It would also eliminate the property owners from filing the renewal, thus allowing them to concentrate on completing the project.

STAFF RECOMMENDATION: APPROVAL

REQUEST

3. To amend section 4-6.1 (C)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” as follows:

“In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO, at the same location where the original building or structure was located.

Any item restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

ANALYSIS

The current ordinance allows the structure to be rebuilt in the same location, however requires the building or structure to meet all other current dimensional requirements of the UDO. This often creates the necessity for a special variance in order to complete an accurate restoration or
reconstruction of a historic building or structure. This change would allow the historic resource to be restored or reconstructed as close to the original design as possible, while eliminating the necessity for property owners to get a special variance.

**STAFF RECOMMENDATION: APPROVAL**

**REQUEST**

4. To amend section 4-6.2 (B)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” as follows:

“In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to the HO District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO at the same location where the original building or structure was located.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

**ANALYSIS**

The current ordinance allows the structure to be rebuilt in the same location, however requires the building or structure to meet all other current dimensional requirements of the UDO. This often creates the necessity for a special variance in order to complete an accurate restoration or reconstruction of a historic building or structure. This change would allow the historic resource to be restored or reconstructed as close to the original design as possible, while eliminating the necessity for property owners to get a special variance.

**STAFF RECOMMENDATION: APPROVAL**
REQUEST

5. To add section 4-6.1 (D) “Non-Conforming Structures and Improvements” as follows and rename the current subsection "(D)" to "(E)".

"In the H Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use."

ANALYSIS

Over time, and likely many decades ago, many historic buildings or structures have been converted from single family residences to other uses such as duplex, triplex, quadraplex, office or commercial. These conversions have allowed the continual use and maintenance of the building or structure. However, if the property were to be vacant while being rehabilitated and lost its legally non-conforming status, the building would be required to meet current dimensional and off-street parking requirements. Current dimensional and off-street parking requirements may cause the property to become incongruous with the District and diminish its physical integrity. This new section would allow the property, including the building and any other structure, to remain as they existed in the past, maintaining their historic uniqueness and characteristics, thus continuing their positive contribution to the historic neighborhood.

STAFF RECOMMENDATION: APPROVAL

REQUEST

6. To add Section 4-6.2 (C) “Non-Conforming Structures and Improvements” as follows and rename the current subsection "(C)" to "(D)".

"In the HO Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use."

ANALYSIS

Over time, and likely many decades ago, many historic buildings or structures have been converted from single family residences to other uses such as duplex, triplex, quadraplex, office
or commercial. These conversions have allowed the continual use and maintenance of the building or structure. However, if the property were to be vacant while being rehabilitated and lost its legally non-conforming status, the building would be required to meet current dimensional and off-street parking requirements. Current dimensional and off-street parking requirements may cause the property to become incongruous with the District and diminish its physical integrity. This new section would allow the property, including the building and any other structure, to remain as they existed in the past, maintaining their historic uniqueness and characteristics, thus continuing their positive contribution to the historic neighborhood.

**STAFF RECOMMENDATION: APPROVAL.**

**REQUEST**

7. To add section 4-4.4 “LOCAL HISTORIC LANDMARKS (LHL) USES AND DIMENSIONAL REQUIREMENTS”

**4-4.4 LHL REGULATIONS**

**(A) PERMITTED USES**

All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

**(B) DIMENSIONAL REQUIREMENTS**

**(1) Requirements.** All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the design review guidelines adopted for each separate LHL. Design review guidelines are addressed in Section 4-7.5.

**(2) Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction.** In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of Section 3-1 of the UDO.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and
all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the H District. If located in an H District see Section 4-6.1(C)(2). The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS

Any LHL existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off street parking requirements. Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

ANALYSIS

Uses and dimensional requirements for Local Historic Landmarks (LHL) were not included when the UDO was created in 1994. The addition of this section will clarify the permitted uses and the dimensional requirements and exceptions for these buildings and structures designated as Local Historic Landmarks.

STAFF RECOMMENDATION: APPROVAL.

Michelle McCullough presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

1. These requested changes are the result of real-life scenarios which have occurred recently.
2. Planning and Inspections staff have been working together to try to make the process easier for the applicants.
3. The Historic Resources Commission (HRC) includes representatives from each district as well as other categorical members to ensure adequate appraisal of the situation.

4. The Board commended the HRC and the staff for the work on this amendment.

MOTION: Carol Eickmeyer moved approval of the amendment.
SECOND: Dara Folan

VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: None

________________________
A. Paul Norby, AICP
Director of Planning
UDO-129

AN ORDINANCE AMENDING
CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING MULTIPLE CLARIFICATIONS AND TECHNICAL CHANGES

Be it resolved, by the Board of County Commissioners of Forsyth County, North Carolina that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Section 4-6.2(C) “Parking Variance” of Chapter B “Zoning” subsection (C) or current section is hereby amended to read as follows:

(C) Parking Variance

“Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an H or HO District or a designated Local Historic Landmark for which a building permit is required would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:

(1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and,

(2) The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.”

Section 2: Section 4-7.4(G) “Time Limits” of Chapter B “Zoning” subsection (G) or current section is hereby amended to read as follows:

(G) “Each Certificate of Appropriateness is issued subject to the following two conditions: (1) If a building permit is required to perform all or any part of the work authorized by a Certificate of Appropriateness, such building permit must be procured within six months from the date the Certificate of Appropriateness was issued and work completed within one year from the date of Certificate of Appropriateness; and, (2) If a building permit is not required for any part of the work authorized by a Certificate of Appropriateness, such work must be completed within one year six months from the date the Certificate of Appropriateness was issued. Upon failure to comply with the application conditions, the Certificate of Appropriateness shall expire, subject to its being renewed. If a request is made to renew an expired Certificate of Appropriateness within twelve months of its issuance, Commission staff may renew it. All other renewals of an expired Certificate of Appropriateness may only be made by the Commission. A Certificate of Appropriateness shall be renewed unless it is found that a change has occurred that would allow the work authorized by the expired...
Certificate of Appropriateness to impair the integrity of an historic landmark, property, or district as a whole or would be incongruous with the special character of an historic landmark, property, or district. No request to renew that contemplates substantive changes to the work authorized by the expired Certificate of Appropriateness may be granted. Such a request may be made by submitting an application for a new Certificate of Appropriateness.”

**Section 3:** Section 4-6.1(C)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” of Chapter B “Zoning” subsection (C)(2) or current section is hereby amended to read as follows:

“(C) DIMENSIONAL REQUIREMENTS
(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction
In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO, at the same location where the original building or structure was located.

Any item restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

**Section 4.** Section 4-6.2(B)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” of Chapter B “Zoning” subsection (B)(2) or current section is hereby amended to read as follows:

“(B) DIMENSIONAL REQUIREMENTS
(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction
In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural
significance to the HO District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO at the same location where the original building or structure was located.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

Section 5. Section 4-6.1(D) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (D) and changing the current (D) to (E) is hereby amended to read as follows:

(D) NONCONFORMING STRUCTURES AND IMPROVEMENTS
In the H Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(E) ANIMALS (C, K, WA)"

Section 6. Section 4-6.2(C) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (C) and changing the current (C) to (D) is hereby amended to read as follows:

(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS
In the HO Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking
requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(C)(D) PARKING VARIANCE”

Section 7. Adding Section 4-4.4 “LOCAL HISTORIC LANDMARKS (LHL) USES AND DIMENSIONAL REQUIREMENTS” of Chapter B “Zoning” to read as follows:

4-4.4 LHL REGULATIONS

(A) PERMITTED USES

All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

(B) DIMENSIONAL REQUIREMENTS

(3) Requirements. All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the design review guidelines adopted for each separate LHL. Design review guidelines are addressed in Section 4-7.5.

(3) Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction. In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of Section 3-1 of the UDO.

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Section 8. This ordinance shall be effective upon adoption.
UDO-129
AN ORDINANCE AMENDING
CHAPTER B ZONING ORDNANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING MULTIPLE CLARIFICATIONS AND TECHNICAL CHANGES

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Section 4-6.2(C) “Parking Variance” of Chapter B “Zoning” subsection (C) or current section is hereby amended to read as follows:

(C) Parking Variance

“Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an H or HO District or a designated Local Historic Landmark for which a building permit is required would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:

(1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and,

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(G) “Each Certificate of Appropriateness is issued subject to the following two conditions: (1) If a building permit is required to perform all or any part of the work authorized by a Certificate of Appropriateness, such building permit must be procured within six months from the date the Certificate of Appropriateness was issued and work completed within one year from the date of Certificate of Appropriateness; and, (2) If a building permit is not required for any part of the work authorized by a Certificate of Appropriateness, such work must be completed within one year six months from the date the Certificate of Appropriateness was issued. Upon failure to comply with the application conditions, the Certificate of Appropriateness shall expire, subject to its being renewed. If a request is made to renew an expired Certificate of Appropriateness within twelve months of its issuance, Commission staff may renew it. All other renewals of an expired Certificate of Appropriateness may only be made by the Commission. A Certificate of Appropriateness shall be renewed unless it is found that a change has occurred that would allow the work authorized by the expired...
Certificate of Appropriateness to impair the integrity of an historic landmark, property, or district as a whole or would be incongruous with the special character of an historic landmark, property, or district. No request to renew that contemplates substantive changes to the work authorized by the expired Certificate of Appropriateness may be granted. Such a request may be made by submitting an application for a new Certificate of Appropriateness.”

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“(C) DIMENSIONAL REQUIREMENTS
(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction
In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO, at the same location where the original building or structure was located.

Any item restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

Section 4. Section 4-6.2(B)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” of Chapter B “Zoning” subsection (B)(2) or current section is hereby amended to read as follows:

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In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural
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Section 5. Section 4-6.1(D) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (D) and changing the current (D) to (E) is hereby amended to read as follows:

(D) NONCONFORMING STRUCTURES AND IMPROVEMENTS
In the H Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(E) ANIMALS (C, K, WA)”

Section 6. Section 4-6.2(C) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (C) and changing the current (C) to (D) is hereby amended to read as follows:

(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS
In the HO Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking...
requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(C)(D) PARKING VARIANCE”

Section 7. Adding Section 4-4.4 “LOCAL HISTORIC LANDMARKS (LHL) USES AND DIMENSIONAL REQUIREMENTS” of Chapter B “Zoning” to read as follows:

4-4.4 LHL REGULATIONS

(A) PERMITTED USES

All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

(B) DIMENSIONAL REQUIREMENTS

(3) Requirements. All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the design review guidelines adopted for each separate LHL. Design review guidelines are addressed in Section 4-7.5.

(4) Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction. In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of Section 3-1 of the UDO.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the H District. If located in an H District see Section 4-6.1(C)(2). The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.
(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS

Any LHL existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off street parking requirements. Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

Section 8. This ordinance shall be effective upon adoption.
UDO-129
AN ORDINANCE AMENDING
CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING MULTIPLE CLARIFICATIONS AND TECHNICAL CHANGES

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Section 4-6.2(C) “Parking Variance” of Chapter B “Zoning” subsection (C) or current section is hereby amended to read as follows:

(C) Parking Variance
“Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an H or HO District or a designated Local Historic Landmark for which a building permit is required would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:

(1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and,

(2) The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.”

Section 2: Section 4-7.4(G) “Time Limits” of Chapter B “Zoning” subsection (G) or current section is hereby amended to read as follows:

(G) “Each Certificate of Appropriateness is issued subject to the following two conditions: (1) If a building permit is required to perform all or any part of the work authorized by a Certificate of Appropriateness, such building permit must be procured within six months from the date the Certificate of Appropriateness was issued and work completed within one year from the date of Certificate of Appropriateness; and, (2) If a building permit is not required for any part of the work authorized by a Certificate of Appropriateness, such work must be completed within six months from the date the Certificate of Appropriateness was issued. Upon failure to comply with the application conditions, the Certificate of Appropriateness shall expire, subject to its being renewed. If a request is made to renew an expired Certificate of Appropriateness within twelve months of its issuance, Commission staff may renew it. All other renewals of an expired Certificate of Appropriateness may only be made by the Commission. A Certificate of Appropriateness shall be renewed unless it is found that a change has occurred that would allow the work authorized by the expired
Certificate of Appropriateness to impair the integrity of an historic landmark, property, or district as a whole or would be incongruous with the special character of an historic landmark, property, or district. No request to renew that contemplates substantive changes to the work authorized by the expired Certificate of Appropriateness may be granted. Such a request may be made by submitting an application for a new Certificate of Appropriateness."

Section 3: Section 4-6.1(C)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” of Chapter B “Zoning” subsection (C)(2) or current section is hereby amended to read as follows:

“(C) DIMENSIONAL REQUIREMENTS

(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction

In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO, at the same location where the original building or structure was located.

Any item restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance."

Section 4. Section 4-6.2(B)(2) “Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction” of Chapter B “Zoning” subsection (B)(2) or current section is hereby amended to read as follows:

“(B) DIMENSIONAL REQUIREMENTS

(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction

In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural
significance to the HO District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in Section 3-1 of the UDO, at the same location where the original building or structure was located.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.”

Section 5. Section 4-6.1(D) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (D) and changing the current (D) to (E) is hereby amended to read as follows:

(D) NONCONFORMING STRUCTURES AND IMPROVEMENTS
In the H Districts, any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off-street parking requirements. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(E) ANIMALS (C, K, WA)"

Section 6. Section 4-6.2(C) or current section “NONCONFORMING STRUCTURES AND IMPROVEMENTS” of Chapter B “Zoning” adding subsection (C) and changing the current (C) to (D) is hereby amended to read as follows:

(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS
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requirements of Section 3-3 without first meeting the additional parking needs of the new use.

(D) PARKING VARIANCE”

Section 7. Adding Section 4-4.4 “LOCAL HISTORIC LANDMARKS (LHL) USES AND DIMENSIONAL REQUIREMENTS” of Chapter B “Zoning” to read as follows:

4-4.4 LHL REGULATIONS

(A) PERMITTED USES

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(B) DIMENSIONAL REQUIREMENTS

(3) Requirements. All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the design review guidelines adopted for each separate LHL. Design review guidelines are addressed in Section 4-7.5.

(5) Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction. In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of Section 3-1 of the UDO.

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner’s restoration, reconstruction, or maintenance of any such item shall constitute the owner’s agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the H District. If located in an H District see Section 4-6.1(C)(2). The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.
(C) NONCONFORMING STRUCTURES AND IMPROVEMENTS

Any LHL existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in Sections 3-1 and 3-3 of the UDO, which includes off street parking requirements. Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of Section 3-3 without first meeting the additional parking needs of the new use.

Section 8. This ordinance shall be effective upon ad