

# HISTORIC PRESERVATION FREQUENTLY ASKED QUESTIONS

## LOCAL HISTORIC DISTRICTS

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### **What is a local historic district?**

A local historic district is a type of zoning applied by the City Council or Board of Commissioners to an area of special significance in terms of its history, prehistory, architecture, and/or culture that possesses integrity of design, setting, materials, feeling, and association (as per NCGS 160A-400.3).

### **How is a local historic district designated?**

A local historic district is applied using the same procedures used to change the zoning on a parcel or parcels. Prior to adoption of the district by the governing body, an investigation and report (Preservation Plan) must be developed describing both the significance of structures, features, and sites, and the boundaries of the district. After a district is established, a certificate of appropriateness (COA) is required for exterior changes to the property. Local historic districts can be located using the City's GoMaps mapping program. All of this must be done consistent with North Carolina General Statute 160A-400.4.

## LOCAL HISTORIC LANDMARKS

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### **What is a local historic landmark?**

A local historic landmark is a property so designated by the City Council or Board of Commissioners as a property of special significance in terms of its historical, pre-historical, architectural, or cultural importance; and that possesses integrity of design, setting, workmanship, materials, feeling, and association.

### **How is a local historic landmark designated?**

A property owner may apply for historic landmark designation. A community's historic properties survey is used as guide for determining eligible properties for designation. The staff prepares a report on the significance of the structure and reviewed by the State Historic Preservation Office (SHPO), the Historic Preservation Commission, and the governing body, who makes the final determination. The landmark is adopted by an Ordinance of Designation which must describe the property, list the property owners, list the key elements of the historic significance, describe the demolition waiting period required (up to 365 days), and note that a COA is required for changes to the property. Local historic landmarks can be located using the City's GoMaps program.

### **What are the benefits of local historic landmark designation?**

The City and County will tax properties designated as local historic landmarks on 50% of the properties' value. These deferred taxes then act as lien on the property, which means that the deferred taxes are payable, with interest, if and when the property loses the landmark designation. Owners must request the tax deferral from the County Tax Administrator. Each time a landmark property changes hands, the new owner must reapply to the tax office for the local historic landmark tax deferral.

## **NATIONAL REGISTER DISTRICTS**

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### **What is the National Register?**

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. This list can include historic districts or individual properties. The National Register is administered by the National Park Service through each State Historic Preservation Office (SHPO) and was authorized by the National Historic Preservation Act of 1966.

### **What are the benefits and responsibilities of National Register listing?**

Listing on the National Register allows recognition of our most important historic resources and provides access to federal and state tax credits for rehabilitation of these properties. National Register listing does not include any restrictions on the use, treatment, transfer, or disposition of private property. However, properties that utilize federal or state tax credits must comply with Secretary of the Interiors Standards for the required period of time.

## **CERTIFICATES OF APPROPRIATENESS**

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### **What is a Certificate of Appropriateness (COA)?**

A COA is a document approving work on local historic landmarks or properties in local historic districts based on consistency with any applicable review criteria. When changes are proposed to either local districts or landmarks, the proposed changes are reviewed against the Secretary of the Interior's Standards for Rehabilitation. Changes in local districts are also reviewed against the criteria in the adopted preservation plan for each district. If the proposed change is consistent with the Secretary of Interior's standards and the local historic preservation plan, either staff or the Historic Preservation Commission will issue the COA. A COA is required prior to the issuance of a building permit and is required even if no other permit is needed for the work proposed. If an applicant wishes to appeal a decision on a COA, it goes to the Board of Adjustment and if that decision is appealed it goes to county Superior Court.

### **What work requires a COA?**

A COA is required for any changes proposed to exteriors in a local district or on a local landmark. This includes new construction, alteration, and restoration of buildings, walls and fences, paving, landscaping, above-ground utilities, lighting, and signage. A COA can be required for interior work on publicly owned landmarks, or privately owned landmarks where owner consent has been given. No COA is required for routine maintenance that results in no change in appearance, design, or materials.

### **What about demolition of historic structures?**

A COA is required to demolish a structure or move a structure in the district. The HPC cannot deny a COA request for demolition, but can delay demolition for up to 365 days. This period can be reduced when extreme hardship is demonstrated by the property owner or for properties of no special historical significance. The intent of the 365-day delay is to provide an opportunity for the owner and the community to explore options other than demolition for the structure and to document the resource prior to demolition. The only time denial of a demolition request is permitted is when the property in question has been given statewide significance. The parameters governing a COA for demolition also apply to the relocation of a structure out of a local district.

### **Who reviews COA applications?**

For some applications, administrative review of the COA is permitted. These applications are reviewed and approved by Planning Department staff. COA applications cannot be denied administratively, so occasionally an administrative COA will be forwarded to the Historic Preservation Commission for review. The remainder of COA applications are reviewed and acted upon by the Historic Preservation Commission. Applications must be acted upon within 180 days of application. Detailed information regarding the level of review required for a particular scope of work can be found here:

[http://www.durhamnc.gov/departments/planning/pdf/work\\_requiring\\_coa.pdf](http://www.durhamnc.gov/departments/planning/pdf/work_requiring_coa.pdf).

## **DEMOLITION BY NEGLECT**

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### **What is demolition by neglect?**

Demolition by neglect is the destruction of a building through abandonment or lack of maintenance or the gradual deterioration of a building when routine or major maintenance is not performed. The purpose of the demolition by neglect provisions in the Unified Development Ordinance (UDO) is to prevent demolition of landmarks or structures in local historic districts by the neglect of the property.

### **What are the criteria for establishing a condition of demolition by neglect?**

According to the UDO, a building can be declared to be in a condition of demolition by neglect if one of the following applies:

- Building parts that may fall and injure the public
- Deteriorated or inadequate foundation
- Defective or deteriorated floor supports, walls, ceiling, roofs, chimneys or vertical or horizontal supports that split, lean, list, buckle, sag, or split
- Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight

### **What is the process for determining demolition by neglect?**

Anyone in the community can initiate an investigation of a potential demolition by neglect condition by petition to the Planning Director. The staff notifies the property owner of the pending investigation and gathers information on the condition of the structure. One or more public meetings are scheduled to gather evidence on the issue. The Planning Director makes a determination as to whether a condition of demolition by neglect is found. If the property owner wishes to appeal the Planning Director's decision, the appeal is made to the Historic Preservation Commission.

### **What are the outcomes from establishing a condition of demolition by neglect?**

If a property is found to be in a condition of demolition by neglect, corrective measures will be required of the property owner. An order of abatement may be applied for by the City and civil penalties may be assessed for failure to comply with the terms of the demolition by neglect determination. The ordinance provides safeguards from undue economic hardship to the property owner.