

HISTORIC PRESERVATION FREQUENTLY ASKED QUESTIONS

LOCAL HISTORIC DISTRICTS

What is a local historic district?

A local historic district is a type of zoning applied by the City Council or Board of County 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 through the same procedure used to change the zoning of a parcel or parcels. Prior to the district's adoption by the governing body, an investigation and report (Preservation Plan) must be developed, describing the boundaries of the district as well as the significance of structures, features, and sites within. After a district is established, a certificate of appropriateness (COA) is required before any exterior changes to the property may be made. Local historic districts can be located using the City's [iMaps](#) mapping program. Regulations must be consistent with North Carolina General Statute 160A-400.4.

LOCAL HISTORIC LANDMARKS

What is a local historic landmark?

A local historic landmark is a property designated by the City Council or the Board of County Commissioners for its special significance in terms of its historical, pre-historical, architectural, or cultural importance, and which 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 historic properties survey serves as a guide for determining eligible properties for designation. The staff prepares a report attesting to the significance of the structure, which is reviewed by the State Historic Preservation Office (SHPO), the Historic Preservation Commission, and the governing body, the latter of which makes the final determination. The landmark is adopted by an Ordinance of Designation which must describe the property, list its owners, name key elements of its historical significance, affirm the waiting period required (up to 365 days) prior to a demolition, and note that a COA is required for any exterior changes to the property. Local historic landmarks can be located using the City's [iMaps](#) program.

What are the benefits of local historic landmark designation?

The City and County each taxes a local historic landmark property based on 50 percent of the property's value. These deferred taxes then act as lien on the property, meaning that the deferred taxes are payable, with interest, if and when the property loses its 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

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

What is a Certificate of Appropriateness?

A Certificate of Appropriateness (COA) is a document approving work on local historic landmarks or properties in local historic districts based on consistency with the applicable review criteria. When changes are proposed to properties within local districts or to landmarks, the proposed changes are reviewed against the Local Historic Properties Review Criteria. If the proposed changes are consistent with the Criteria, 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 COA decision, he or she must appeal to the Board of Adjustment (BOA); a BOA decision may be appealed to the county Superior Court.

What work requires a COA?

A COA is required for any proposed changes to building exteriors or sites within a local historic district or a local landmark. Possible proposed changes include new construction and alterations to and restoration of buildings, walls and fences, paving, landscaping, above-ground utilities, lighting, and signage. 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 to move a structure within the district. The HPC cannot deny a COA request for demolition but can delay demolition for up to 365 days. This time 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 for the structure other than demolition 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 designated as having statewide significance. The parameters governing a COA for demolition also apply to the relocation of a structure outside of a local district.

Who reviews COA applications?

For some applications, staff review of the COA is permitted; these Minor COA applications are reviewed and approved by Planning Department staff. Minor COA applications cannot be denied by planning staff, so occasionally a Minor COA will be forwarded to the Historic Preservation Commission for review as a Major COA. The remainder of COA applications are reviewed and acted upon by the Historic Preservation Commission as Major COAs. Applications must be acted upon within

180 days their being submitted and deemed complete. Detailed information regarding the level of review required for a particular scope of work can be found here: <http://durhamnc.gov/395/Classifications-of-Work>

DEMOLITION BY NEGLECT

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 that renders it 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 regarding the structure's condition. One or more public meetings are scheduled to gather evidence of the building's condition. The Planning Director determines whether a condition of demolition of neglect has been 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 in establishing a condition of demolition by neglect?

If a property is found to be suffering demolition by neglect, corrective measures will be required of the property owner. The City may apply for an order of abatement, 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.