

Attachment A

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING HISTORIC LANDMARK CRITERIA

WHEREAS, the Durham County Board of Commissioners wishes to amend a certain provision regarding historic landmark criteria in the Unified Development Ordinance; and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits, is amended to make the following changes:

SECTION 1

Modify Section 3.17, Historic District or Landmark Designation, paragraph 3.17.4, Designation of an Historic Landmark, paragraph A, Criteria for Designation, as set forth in the strikeouts and underlining below.

Sec. 3.17 Historic District or Landmark Designation

3.17.4 Designation of an Historic Landmark

A. Criteria for Designation

- ~~1. A building, structure, site, area, and object may be considered for designation as an historic landmark only if both of the following criteria are met:~~
 - ~~a. The HPC deems and finds that the building, structure, site, area or object appears individually eligible for listing or is individually listed on the National Register of Historic Places; and~~
 - ~~b. The HPC deems and finds that the property is of special significance in terms of its prehistorical, historical, architectural or cultural importance, and possesses integrity of design, setting, materials, feeling and association.~~

1. A building, structure, site, area or object may be considered for designation as an historic landmark only if all of the following three criteria are met:
 - a. The property must not currently be undergoing renovation unless it has been approved for state or federal tax credits in accordance with the Secretary of Interior Standards.
 - b. The HPC must deem and find that the building, structure, site, area, or object meets at least one of the three following criteria:
 - (1) Individual listing on the National Register of Historic Places or on the Study List;
 - (2) Statewide Significance status granted by the State Historic Preservation Office;
 - (3) Integrity of location, design, setting, materials, and workmanship, feeling and association on the whole, and:
 - (a) Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
 - (b) Is associated with the lives of persons significant in local, regional, national history; or
 - (c) Embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values (i.e., the architecture alone is significant in its own right); or
 - (d) Has yielded, or may be likely to yield, information important to Durham's history or prehistory.
 - c. The governing body must deem and find that the property possesses distinction within the context or period of significance.

Commentary: A building, structure, site, area or object whose components lack individual distinction may still be considered a landmark if the whole is significant.

2. A property shall be designated as a historic landmark only with the consent of the property owner or owners.

[Paragraphs B-G are omitted.]

SECTION 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.