



Legislation Text

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TITLE:

National Register Historic Districts, Neighborhood Preservation Districts, Local Historic Districts and related Tools for Preservation

PURPOSE: The purpose of this agenda item is to facilitate a discussion of preservation tools that could possibly be applied to Center Street or to other downtown neighborhoods, including the steps involved in the designation process and the benefits of such designation.

DEPARTMENT: Planning

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INFORMATION: “Carrboro” exists as a result of a unique juncture of space in time. The architectural features reflecting this place at its inception are evident in the Town’s oldest residential and commercial buildings. Since these buildings did not spring up, fully formed at one time, in total, this historic building stock reflects changes experienced in the town, the state and the nation - including technology, culture, and economy over a number of years. During 1980-1981, more than 150 buildings over 50 years in age - the threshold for obtaining historic significance--were recorded as part of the Town’s effort to inventory its historic properties. (A link to *Carrboro, N.C., An Architectural & Historic Inventory* may be found at <http://www.townofcarrboro.org/DocumentCenter/Home/View/1917>.) With the passage of time, this number will have increased.

The Town has made some use of the regulatory mechanisms communities use to maintain these architectural connections, principally historic districts, local and national and conservation or preservation districts. The use of each of these mechanisms or tools depends in large part on the existing level of history, architectural character and integrity that remains in the potential district, and the community’s interest in balancing new growth, including buildings with innovative design, in ways that recognize and enhance, rather than diminish or replace historic building fabric, particularly within the commercial section of downtown. Board discussions in the spring and fall of 2016 began to delve into these topics (September 20, 2017 agenda materials: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=456734&GUID=7ABB377D-5EAE-4532-B0BF-E6D467C9A7A7&Options=&Search=>>).

More recently, consideration of potential development at the corner of North Greensboro and West Weaver streets lead to interest in Center Street, its potential as a historic district and the steps to pursue such designation. The Land Use Ordinance recognizes all four types of tools that can be used alone or in combination to preserve the integrity of historic neighborhoods. These include designation in special districts such as National Register Historic Districts, Neighborhood Preservation Districts and Local Historic Districts. Zoning can also be used to protect elements of historic fabric through dimensional requirements such as limits to building height and massing.

The National Register of Historic Places is a federal program, administered at the state level by the State

Historic Preservation Office (SHPO). The designation process typically begins with the preparation of a study list application for initial consideration. If the property, or group of properties (district) included in a study list appears to be a strong candidate, a formal nomination is prepared, reviewed by SHPO staff and, if appropriate, reviewed by the North Carolina National Register Advisory Commission (NRAC). Selected nominations are forwarded to the Keeper of the National Register, in Washington, D.C., for final consideration.

Listing in the National Register is primarily an honorary designation. Owners considering changes to their properties are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation but there is no formal enforcement. Owners of properties listed individually or as a contributing properties a historic districts may also be eligible for rehabilitation tax credits for certified rehabilitations.

Neighborhood Preservation Districts (NPD), known elsewhere as conservation districts, are administered at the local level. Designation follows the process used for rezoning; the Neighborhood Preservation Commission (Appearance Commission) prepares a report on the special historical or cultural qualities of an area and participates in a joint public hearing with the Board of Aldermen to consider adopting an ordinance designating the district. Article XXI, Part I of the Land Use Ordinance outlines the intended process for residents to use adopted guidelines when modifying their buildings to encourage compatible designs. Recent changes to state statutes, limits the power of local government to control design elements on single family residential buildings other than those listed in the National Register or through the local historic designation programs-i.e. local historic districts or local landmarks. Protections afforded by this type of designation are therefore voluntary in nature, but any use of guidelines, even for advisory purposes may provide an educational benefit and help residents to modify their homes in a way that is more in keeping with the original character of the house and surrounding homes.

The Town of Carrboro has the authority to designate local historic districts. Article XXI, Part II, of the LUO, outlines a process whereby the Historic District Commission (Appearance Commission) prepares a report describing the significance of all buildings, structures, features, sites or surroundings in the proposed district. The report is forwarded to the Planning Board for comments and the Department of Cultural Resources (SHPO) for analysis and recommendation. The Board of Aldermen ultimately holds a joint public hearing with the Historic District Commission to consider adopting an ordinance to designate the district. Properties within locally designated historic districts are subject to design review for certificates of appropriateness (COA). Rules of procedures and design guidelines must also be in place before the Historic District Commission considers changes to any property in the district. Local historic districts provide the strongest level of protection, in that changes to the exterior of buildings are subject an enforceable formal review process.

Town staff has reached out to the Survey and National Register Branch of the SHPO to discuss whether Center Street would be a good candidate for a local or national register historic district and has encouraged the state staff to visit Carrboro for recommendations along that particular corridor as well as potentially expanding the boundaries of the existing districts downtown. An excerpt from *Carrboro, N.C., An Architectural & Historic Inventory* showing the buildings along Center Street and a series of photos showing the buildings as they look today, is provided (Attachment A). The SHPO has encouraged the Town to proceed with a study list application, noting that some building may no longer possess the level of integrity necessary for listing in the National Register due to changes in materials, but that there may be the potential for designating a local historic district which would provide the Historic District Commission (Appearance Commission) regulatory review of changes proposed to the properties and to new development proposed within the district boundaries--which could possibly include the lot at the corner of North Greensboro and West Weaver streets, owned by CVS. A short fact sheet about the National Register Study List is provided (Attachment B).

Designation as an individual property or a historic district in the National Register also triggers consideration in the Section 106 (of the 1966 National Historic Preservation Act) process for federally funded or licensed projects to assess impacts on historic properties. Such review requirements apply to telecommunications towers permitted by the Federal Communications Commission. A timely issue that is related to the nature of the downtown and potential impacts to historic buildings is the short window to review small wireless communication towers (small cell towers) following the recent passage of S.L. 2017-159 (HB 310), the statute that simplified the review process for towers up to 50 feet in height when located in public right-of-way or on property that is not single-family residential.

Staff is evaluating how the Town will review small cell towers in accordance with existing provisions for telecommunication towers and antennas in the Land Use Ordinance, and issues such as handicapped and other accessibility, safety, sight distance relating to access in public rights-of-way. Meanwhile, applications for two towers have been submitted. The state clearing house process allows for comments on towers that may impact historic properties that are individually listed in the National Register or as state or local historic landmarks or are part of national register or local historic districts.

Staff has consulted with the Environmental Review Branch of the North Carolina SHPO regarding a measured approach toward evaluating the impacts of small cell towers in the downtown area to the Town's national register historic districts for the purposes of reviewing these applications. The suggested approach was to identify conditions, or design specifications to towers. Conditions or parameters have been noted, such as no associated cabinets, co-location on existing street light poles; use of wood poles with canisters, or metal poles, (painted a dark color), with concealed antennas. An image showing a metal pole with a concealed small cell antenna compared with a standard telecommunication tower with projecting receptors is provided as an example (Attachment C).

FISCAL & STAFF IMPACT: None associated with the discussion of these topics.

RECOMMENDATION: The Board is asked to discuss and provide input and direction to staff.