

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 2, ARTICLE II, SECTION 2-41, SUBSECTION 2-41.A-F; HISTORIC RESOURCES COMMISSION OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 2-41, *Historic Resources Commission*, is amended by replacing the current text with the following text in its entirety:

- a. There is hereby created pursuant to 160D-303, a commission to be known as the city Historic Resources Commission.
- b. The Historic Resources Commission shall have those powers, duties and responsibilities pursuant to G.S. 160D-942 except as stated in this section and as further defined, limited, or regulated by its charter or the city council.
- c. Appointments to the Historic Resources Commission shall be made by City Council in accordance with the commission charter.
- d. The required procedures for designating a historic structure, building, sites, area, or object pursuant to G.S. 160D-944 and G.S. 160D-945 and which is located outside a historic district zoning area are supplemented as follows:
  1. That the owner thereof shall receive written notice by certified mail of the public hearing.
  2. If the property owner shall file written objection to the designation prior to the public hearing, then the city council shall not designate the property as historic.
- e. The Historic Resources Commission may enter into negotiations pursuant to G.S. 160D-942 only upon the prior approval of the City Council.

f. The city historic properties commission previously authorized and chartered by this section is hereby disbanded; however, all duly approved actions and all records of this commission shall be continued and maintained by the city Historic Resources Commission.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ARTICLE 30-2, SECTION 30-2.C.8; CERTIFICATE OF APPROPRIATENESS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. The Section 30-2.C.8, *Certificate of Appropriateness*, is amended by replacing the current text with the following text in its entirety:

**a. Purpose**

The purpose of this section is to provide for the review of development, alteration, or demolition of landmark historic structures, buildings, and sites, as well as for the historic structures, buildings, and sites (to include new construction) within the Local Historic Overlay District by the Historic Resources Commission in accordance with the procedures and standards of this Ordinance and the Design Standards for Fayetteville's Historic Districts and Local Landmarks.

**b. Applicability**

1. *General*

- a. Unless otherwise exempted by Section 30-2.C.8.b.2, Exemptions, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, other appurtenant features, any aboveground utility structure, or any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on designated landmark historic structures, buildings, and sites or other historic buildings, structures, features, sites, or surroundings within the Local Historic Overlay District, and no Building

Permit for such development shall be issued, until an application for a Certificate of Appropriateness as to exterior features is submitted to and approved by the Historic Resources Commission in accordance with this section.

- b. Where a Certificate of Appropriateness is required for exterior work that does not require a Building Permit, no work shall occur until the project is submitted to, and receives a written Certificate of Appropriateness from the Historic Resources Commission in accordance with this section.

## 2. *Exemptions*

The following is exempt from the requirements of this section:

- a. The ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, materials, or outer appearance;
- b. The ordinary maintenance or repair of streets, sidewalks, pavement markings, street signs, or traffic signs;
- c. The construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or the City Manager certifies the activity is required for the public's safety because of an unsafe or dangerous condition; and
- d. The maintenance of any aboveground utility structure or the immediate restoration of such a structure in the event of an emergency.

### c. **Initiation**

An application for a Certificate of Appropriateness shall be initiated by any person having authority to file an application in accordance with Subsection 30-2.B.1, Authority to File Applications.

### d. **Procedure**

1. *Basic Procedures*

Except as modified by Sections 30-2.C.8.d.2—7 below, procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 30-2.B, Common Review Procedures.

2. *Review and Action on Minor Works by City Manager*

- a. Applications for a Certificate of Appropriateness for minor work or activity as defined by this Ordinance may be reviewed and approved by the City Manager or his/her designee as an administrative decision. However, no application for a Certificate of Appropriateness may be denied without formal action by the Historic Resources Commission.
- b. Other than administrative decisions on Minor works, decisions on Certificates of Appropriateness are quasi-judicial and shall follow the procedures described in Section 30-2.B.14.

3. *Review and Action by Historic Resources Commission*

For all other Certificate of Appropriateness applications other than administrative decisions on Minor works, following staff review, the Historic Resources Commission shall conduct an evidentiary hearing on the application in accordance with Section 30-2.B.12, Public Notification, and Section 30-2.B.14, Evidentiary Hearing Procedures (Quasi-Judicial Decisions). After close of the hearing, the Historic Resources Commission shall consider the application, relevant support materials, the staff report, the City Manager's comments, and any testimony or evidence given at the hearing and included in the record. The Historic Resources

Commission, by a majority vote of a quorum present, shall take one of the following actions based on the standards in Section 30-2.C.8.e, Certificate of

Appropriateness Standards:

- a. Approval of the application as submitted;
- b. Approval of the application subject to conditions; or
- c. Denial of the application

4. *Demolition*

- a. The Historic Resources Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure within the Historic/Landmark Overlay District determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places except where the Historic Resources Commissions finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return if demolition were denied.
- b. An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the Local Historic Overlay District may not be denied, except as provided in subsection a of this section. The Historic Resources Commission, however, may delay the effective date of a Certificate of Appropriateness for such demolition, removal, or destruction for up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Historic Resources Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of

the delay. The Commission shall use such time to negotiate with the owner and with any other parties to find a means of preserving the building or site.

- c. If the Historic Resources Commission finds that a building or site within the Local Historic Overlay District has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

#### 5. *Conditions of Approval*

In approving a Certificate of Appropriateness application, the Historic Resources Commission may impose appropriate conditions on the approval in accordance with Section 30-2.B.16, Conditions of Approval.

#### 6. *Appeal*

- a. If the decision involves property owned by the State, the State and its agencies may appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under N.C.G.S. 121-12(a) upon filing such an appeal within 30 days from receipt from receipt of the written notice. The decision of the State Historical Commission shall be final and binding upon both the State and the Historic Resources Commission.
- b. An appeal for all other decisions on Certificate of Appropriateness applications shall be filed within 30 days of the date of the decision, and shall be reviewed and decided by the Zoning Commission, acting as the Board of Adjustment, in accordance with Section 30-2.C.18, Appeal, except that the appeal of the Zoning Commission decision shall be in the nature of certiorari.

#### 7. *Expiration*

- a. The Historic Resources Commission may prescribe a time limit within which either the activity or the building permit for the development authorized by the Certificate of Appropriateness shall be secured. Failure to establish the activity or obtain the building permit shall void the Certificate of Appropriateness.
- b. Unless otherwise specified in the Certificate of Appropriateness, the Certificate of Appropriateness shall automatically expire within one year after the date of issuance if the activity or building permit authorized by the Certificate is not secured.
- c. In cases where a maximum time frame for development is established as a condition of approval, the Certificate of Appropriateness shall expire upon the lapse of the allowable time frame.

8. *Extension*

Upon written request submitted at least 30 days before expiration of the time period provided in accordance with Section 30-2.C.8.d.7 above, and upon a showing of good cause, the city manager may grant one extension not to exceed six months. Failure to submit a written request for an extension within the time limits established by this section shall result in the expiration of the Certificate of Appropriateness.

**e. Certificate of Appropriateness Standards**

1. A Certificate of Appropriateness application shall be approved upon a finding the application complies with the Design Standards for Fayetteville's Historic Districts and Local Landmarks, and is otherwise congruous with the special character of the Local Historic Overlay District.

**f. Amendment**

A Certificate of Appropriateness may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ARTICLE 30-2, SECTION 30-2.C.22; STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. The Section 30-2.C, *Standards and Requirements for Development Applications*, is amended by adding the following subsection:

Section 30-2.C.22, *Local Landmark Designation*

a. Purpose

The purpose of this section is to provide a uniform means for designating individual structures, buildings, sites, and areas of historical, pre-historical, architectural, educational, or cultural significance as local landmarks.

b. Authority

The City Council may adopt an ordinance designating a building, structure, feature, site or surroundings of any historical, prehistorical, architectural, educational, or cultural significance as a local landmark upon compliance with the provisions of this section.

c. Initiation and Procedure

1. The Historic Resources Commission shall make or cause an investigation and report to be made describing the historic, pre-historic, architectural, educational, or cultural significance of buildings, structures, features, sites, or surroundings proposed to be designated as a historic landmark and hold a legislative hearing to

review the findings. Notice of the public hearing shall be made as provided for by North Carolina General Statute (NCGS) §160D-601.

2. The City shall forward the investigative report to the North Carolina Department of Natural and Cultural Resources, acting through the State Historic Preservation Officer or his designee, which shall be given 30 calendar days from receipt of the report to review the report and submit written analysis and recommendations to the City Council.
- d. City Council Public Hearing and Review
1. Upon receiving a written analysis and recommendations on the report from the State Historic Preservation Office, or expiration of the 30-day review period set forth in section c.2 above, the City Council may hold a legislative hearing to consider an ordinance designating a local landmark as proposed, with any amendments it deems necessary, or reject the proposed ordinance. Notice of the public hearing shall be made as provided for by NCGS §160D-601. If an owner of real property, as defined by NCGS §105-164.3 (205), whose property is being considered for designation files a written objection to the proposed ordinance before the public hearing, the City Council shall not approve the ordinance and the proposed ordinance shall be denied or withdrawn.
  4. The ordinance shall include each property designated in the regulation, the name or names of the owner(s) of the property, those elements of the property that are integral to its historical, pre-historical, architectural, educational, or cultural significance, including the land area of the property so designated, and any other

information the City Council deems necessary. For all structures and buildings designated the ordinance must also require that the waiting period set forth in NCGS §160D-945 be observed prior to demolition.

- 5. Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notice of the designation and a copy of the ordinance. One copy of the ordinance shall be filed with the Cumberland County Register of Deeds. A second copy shall be kept on file by the City Clerk. A third copy shall be given to the City Chief building inspector.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ARTICLE 30-9, SECTION 30-9.D.; DEFINITIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 30-9.D., Definitions, is amended by deleting the current “Minor Works” definition in its entirety and substituting with the following:

**Minor Works**

For the purposes of Section 30-2.C.8, Certificate of Appropriateness, Minor works are defined as those changes that do not involve substantial alterations, additions or removals that could impair the integrity of the Landmark property or the Historic Overlay District as a whole.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ARTICLE 30-2, SECTION A.7.A; HISTORIC RESOURCES COMMISSION OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 30-2.A.7.a, *Powers and Duties*, is amended by replacing the current text with the following text in its entirety:

The Historic Resources Commission is hereby established in accordance with §160D-303 and §160D-942 of the North Carolina General Statutes. The powers of the Historic Resources Commission are as follows:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
2. Recommend to the governing board areas to be designated by ordinance as “Historic Districts” and individual structures, buildings, sites, areas, or objects to be designated by ordinance as “Landmarks;”
3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;
4. Restore, preserve, and operate historic properties;

5. Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;
6. Conduct an educational program regarding historic properties and districts within its jurisdiction;
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this section. The governing board or the commission, when authorized by the governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;
8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
9. Prepare and recommend the official adoption of a preservation element as part of the City's comprehensive plan;
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this section; and
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ARTICLE 30-3, SECTION 30-3.H.3 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. The Section 30-3.H.3, *Historic/Landmark Overlay (HLO) District*, is amended by replacing the current text with the following text in its entirety:

a. **Purpose**

In recognition that the historic heritage of the City is one of its most valued and important assets, the Local Historic Overlay (LHO) district is established and intended to safeguard that heritage by identifying, recognizing, preserving, maintaining, protecting, and enhancing old, historic, and architecturally valuable structures, properties, districts, or neighborhoods that serve as important elements and visible reminders of the social, cultural, economic, political, or architectural history of the City, County, State, or nation. More specifically, the Local Historic Overlay is intended to:

1. Foster civic pride;
2. Preserve the City's heritage;
3. Preserve the character and desirable historic, architectural, and aesthetic features of the City;
4. Stabilize and enhance the value of properties that are within historic districts or designated as historic landmarks, as well as the areas surrounding them;
5. Protect and enhance the attractiveness of the City to residents, tourists, and visitors, thereby supporting and stimulating business and industry;
6. Protect and enrich the quality of life for City residents;

7. Foster wider public knowledge and appreciation of structures, properties, districts, or neighborhoods that provide a unique and valuable perspective on the social, cultural, economic traditions and ways of life of past generations;
8. Foster architectural creativity by preserving physical examples of outstanding architectural designs and techniques of the past; and
9. Encourage new structures and developments that will be harmonious with and complement the character of existing structures, properties, and districts designated in accordance with this section.

**b. Procedures and Standards for LHO District Classification**

Except as modified by subsections (1) and (2) below, classification or reclassification of land into the LHO District shall occur in accordance with the procedures and requirements of Section [30-2.C.1](#), Map Amendment (Rezoning).

1. *Procedure*

a. *Pre-Application Requirements*

The following actions shall occur before the Map Amendment (Rezoning) application is submitted:

1. In the case of a proposal to apply the LHO District classification to a geographic area, the Historic Resources Commission shall undertake an inventory of properties of historical, prehistorical, architectural, and cultural significance within the City and submit the inventory and description of the proposed boundaries of the area to be classified to the North Carolina Office of Archives and History;
2. The Historic Resources Commission shall make or cause to be made an investigation and report describing the historic, prehistorical, architectural, educational, or cultural

significance of the buildings, structures, features, sites, or surroundings proposed to be included in the LHO District as well as a description of the proposed boundaries of the area to be classified;

3. The City shall forward the investigative report to the North Carolina Department of Natural and Cultural Resources, acting through the State Historic Preservation Officer or his designee, which shall be given 30 calendar days from receipt of the report to review the report and submit a written analysis and recommendations to the City Council; and
4. Upon receiving a written analysis and recommendations on the report from the State Historic Preservation Office, or expiration of the 30-day review period set forth in sub-section 3 above, the City Council may choose to refer the report and boundary description to the City Manager to initiate a Map Amendment (Rezoning) application to classify the proposed area into the LHO District.

## 2. *Standards*

In addition to the review standards in Section [30-2.C.1.g](#), Map Amendment (Rezoning) Standards, no property shall be recommended for expansion of a LHO District or designation as a new LHO District unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

### c. **Certificate of Appropriateness Required**

After land is classified as within the LHO District, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other

appurtenant features, nor aboveground utility structure, nor any type of outdoor advertising sign on the property shall be erected, altered, restored, moved, or demolished without approval and issuance of a Certificate of Appropriateness in accordance with Section [30-2.C.8](#), Certificate of Appropriateness.

d. **Review Standards**

1. Except as provided in Section [30-3.H.3.d.2](#) below, the report entitled Design Standards for Fayetteville's Historic Districts and Local Landmarks, as adopted and subsequently amended by the Historic Resources Commission and the City Council, is hereby adopted and incorporated by reference as part of this Ordinance to serve as guidance in reviewing applications for Certificates of Appropriateness:
2. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole guidance used in reviewing applications for Certificates of Appropriateness submitted by the State of North Carolina.

e. **Prevention of Demolition by Neglect**

1. *Responsibility to Maintain Property*

The owner or other person having legal possession, custody, or control of a property classified as in the LHO District shall maintain the exterior and structural features of the property and not allow the occurrence of conditions of neglect that constitute or substantially contribute to deterioration threatening the structural integrity of structures or architectural details important to the property's historic, prehistoric, architectural, or cultural character. Failure to do meet this responsibility shall be a violation of this

Ordinance. Conditions that, if substantial or serious enough, could constitute a condition of neglect include, but are not limited to, the following:

- a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
- b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
- c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
- d. Deterioration or crumbling of exterior plasters or mortars;
- e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
- g. Rotting, holes, and other forms of decay;
- h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- i. Heaving, subsidence, or cracking of sidewalks, steps, or pathways;
- j. Deterioration of fences, gates, and accessory structures;
- k. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the historic landmark; and

1. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

2. *Enforcement*

Enforcement of violations of the requirement to not allow conditions of neglect shall be in accordance with [Article 30-8](#): Enforcement, except that the Historic Resources Commission is expressly authorized to file complaints with the City Manager about deteriorating properties in LHO Districts in accordance with Section [30-8.E.2](#), Complaints Regarding Violations, and the following procedures shall apply instead of those in Section [30-8.E.4](#):

- a. On finding that a condition of neglect has been allowed to occur, the City Manager shall provide written notification of violation, by personal service or certified mail, return receipt requested, to the owner of the property or other persons having legal possession, custody, or control of the property. Such notification shall:
  1. Describe the location and nature of the conditions of neglect;
  2. State the actions necessary to abate the conditions of neglect; and
  3. Order that the conditions of neglect be corrected or an administrative hearing be requested within a stated period of time not to exceed 30 days after receipt of the Notice of Violation.
- b. If the violator requests an administrative hearing within the specified time period, the City Manager shall schedule a hearing with the violator not less than ten days nor more than 30 days after receiving the request, and shall provide written notice of the time and place of the hearing to the violator.

- c. The purpose of the hearing is to discuss the conditions of neglect and how they might be corrected, and to determine whether the violator wishes to petition the Historic Resources Commission to consider a claim of undue economic hardship in accordance with Section [30-3.H.3.e.3](#) below.
- d. At the conclusion of the hearing, the City Manager shall make a final determination of whether conditions of neglect exist and, if finding that conditions of neglect exists in violation of this Ordinance, shall order the violator to undertake actions to correct the violation within a stated period of time. If the violator petitions for consideration of a claim of undue economic hardship, the City Manager's order shall be stayed until after the Historic Resources Commission has reached a decision on the claim.

### 3. *Safeguards from Undue Economic Hardship*

#### a. *Petition for Consideration of Claim*

- 1. The violator may petition the Historic Resources Commission to consider a claim that compliance with the order to correct the violation would create undue economic hardship by submitting a written petition to the City Manager within seven days after the hearing.
- 2. The City Manager shall forward the petition to the Historic Resources Commission to hear and review at its next available regular meeting, and provide notice of the time and place of the meeting to the petitioner.

#### b. *Evidence of Hardship*

The petitioner shall bear the burden of presenting sufficient evidence to allow the Historic Resources Commission to determine that undue economic hardship exists.

Such evidence shall include at least the following:

1. *For All Properties:*

- A. Nature of property ownership (individual, business, or nonprofit) or other legal possession, custody, or control;
- B. A description of the structures involved;
- C. Petitioner's financial resources;
- D. Cost of required repairs or other corrective measures;
- E. Assessed value of the land and improvements;
- F. Real estate taxes for the previous two years;
- G. Amount paid for the property;
- H. Date of purchase;
- I. Party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;
- J. Annual debt service, if any, for previous two years; and
- K. Any listing of the property for sale or rent, price asked, and offers received, if any.

2. *For Income-Producing Properties:*

- A. If the property is income-producing, the annual gross income from the property for the previous two years;
- B. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed; and

C. Annual cash flow, if any, for the previous two years.

f. **Temporary Boarding Up of Windows and Doors**

No windows or doors of a deteriorating structure classified as in a HLO District shall be boarded up or barricaded unless authorized for only a short period of time by a Certificate of Appropriateness approved in accordance with Section [30-2.C.8](#), Certificate of Appropriateness, as a means of protecting the structure against further deterioration pending replacement of the boarded-up or barricaded windows or doors. Any temporary boarding up or barricading of a window or door that will remain in place for more than one month shall be painted as specified by the Certificate of Appropriateness.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances and this section may be renumbered to accomplish this objective, City of Fayetteville, North Carolina.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk