

ORDINANCE NO. 81

HISTORIC

LANDMARKS

DESIGNATION ORDINANCE

OF THE

VILLAGE OF FLAT ROCK,

NORTH CAROLINA

Adopted: October 10, 2013

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ATTACHMENTS:

A. Dunroy – 249 Duroy Drive

FLAT ROCK HISTORIC LANDMARKS DESIGNATION ORDINANCE

**ARTICLE I
GENERAL PROVISIONS**

Section 101 Authority.

The Council of the Village of Flat Rock, pursuant to the authority conferred by the North Carolina General Statutes, specifically Chapter 160A, Article 19, Part 3C, hereby enacts this ordinance into law.

Section 102 Title.

This ordinance shall be known and may be cited as the Historic Landmarks Designation Ordinance of the Village of Flat Rock, NC.

Section 103 Purpose.

Whereas the historical heritage of the Village of Flat Rock is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of landmarks, stabilizes and increases property values, this ordinance is enacted in order to:

1. safeguard the heritage of the Village of Flat Rock by preserving landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
2. promote the use and conservation of such landmarks for the education, pleasure, and enrichment of the residents of the Village of Flat Rock and of the state as a whole.

Section 104 Jurisdiction.

This ordinance shall be applicable within the corporate limits of the Village of Flat Rock.

**ARTICLE II
INTERPRETATION AND DEFINITIONS**

Section 201 Word interpretation.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein shall be interpreted as follows:

The word "Village" means the Village of Flat Rock, North Carolina.

The words “Village Council” mean the Council of the Village of Flat Rock, North Carolina.

The word “ordinance” means the Historic Landmarks Designation Ordinance of the Village of Flat Rock.

The words “Historic Landmark Ordinance” or “HLO” mean the Historic Landmarks Ordinance of the Village of Flat Rock.

The word "commission" means the Historic Landmarks Commission of the Village of Flat Rock.

The word “shall” is mandatory, and the word “may” is permissive.

Section 202 Definitions.

Certificate of appropriateness. A document issued by the commission that states that the project described in the application complies with this ordinance and the principles, guidelines and standards established by the commission.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind, color and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, significant landscape, archaeological, and natural features of the area, or in the case of outdoor advertising signs, the style, material, size, and location of all such signs.

Historic landmark. Any land, building or other feature listed or eligible for listing on the National Register of Historic Places, or any building, structure, site, area or object which is of historic, prehistoric, architectural, archaeological or cultural significance, as determined by the Village Council.

Major work. Work where the visual character of the exterior features of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) is significantly altered, or an above-ground utility structure or any type of outdoor advertising sign is erected or significantly altered, and shall include restoration, moving or demolition of any structure.

Minor work. Exterior work where the visual character of the exterior features of the structure are not significantly altered.

Property owner or owner. The holder of the title in fee simple.

**ARTICLE III
PREREQUISITES FOR HISTORIC LANDMARK DESIGNATION**

Section 301 By the Historic Landmarks Commission.

The commission shall have followed all of the requirements of the Village of Flat Rock Historic Landmarks Ordinance, including, but not limited to, deeming and finding that the landmark to be designated is of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and that it possess integrity of design, setting, workmanship, materials, feeling and/or association; submitting a local landmark designation report to the North Carolina Department of Cultural Resources, State Historic Preservation Office, or its successor, in accordance with and NCGS 160A, Article 19, Part 3C; considering any comments that office may have made regarding the designation report; holding a public hearing on the designation of a historic landmark, either separately or jointly with the Village Council; taking into full consideration all statements and information presented on the question of designating a property as a historic landmark; preparing a resolution proposing designation of the landmark to the Village Council and preparing draft designation language to be included as an attachment to this ordinance in accordance with Section 303 of this ordinance.

Section 302 By the Village Council.

The Village Council shall have followed all of the requirements of the Village of Flat Rock Historic Landmark Ordinance, including, but not limited to, holding a public hearing on the designation of a historic landmark, either separately or jointly with the commission; taking into full consideration all statements and information presented on the question of designating a property as a historic landmark; determining that the historic landmark qualifies for designation and that all of the requirements of the Historic Landmark Ordinance have been satisfied; and insuring that the owner has submitted a written statement that he fully understands the benefits and burdens of the designation.

Section 303 Requirements for a designation attachment to this ordinance.

A. The resolution by the commission and designation attachment shall state precisely what is being recommended for designation, including any land area around a building or structure, and describe it with specificity.

B. The designation attachment to be included as an amendment to this ordinance shall include the following:

1. The name or names of the owner or owners of the property;
2. A description of the property designated by the ordinance, including the address, if applicable, PIN number and land area of the property and which parts of any structures are covered, only exterior features or interior and exterior features;
3. A description of those elements of the property which are integral to its historic,

- architectural, archaeological, and/or cultural significance, including dates of construction and property owners who contributed to its historical significance;
4. A statement that gives the title of the applicable local landmark designation report and states that the historical features of the property are more completely described in that designation report.
 5. A statement that the attachment has been adopted as an amendment to the Historic Landmarks Designation Ordinance, as it may have been amended, including the date that the attachment was adopted at a public hearing.
 6. Any other information deemed necessary within the authority of the Historic Landmarks Ordinance and the general statutes, as determined by the Village Council.

ARTICLE IV GENERAL IMPLICATIONS OF DESIGNATION

Section 401 Certificate of appropriateness required.

Owners of properties designated as historic landmarks by an attachment hereto shall comply with the Historic Landmarks Ordinance regarding certificates of appropriateness prior to commencing any major or minor work on the landmark or prior to moving or demolishing the landmark. An application for a certificate of appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted. Owners of designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and the design guidelines used by the commission to evaluate proposed alterations or additions.

Section 402 Ordinary maintenance; unsafe conditions.

Designation as a historic landmark shall not be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations.

Section 403 Historic landmark sign.

If the owner consents, a suitable sign, containing appropriate information, may be placed on the property indicating that the property has been designated as a historic landmark. If the owner objects, the sign, if any, shall be placed on a nearby public right-of-way.

Section 404 Qualification for tax deferral.

The property owner must file an application with the Henderson County Assessor during January of the year following the year in which the designation is made in order to qualify for a tax deferral under NCGS 105-278.

Section 405 Distribution of attachment copies.

A copy of the Historic Landmarks Designation Ordinance, with the designation attachment for his property, shall be given to the property owner and a copy of the designation attachment, certified as adopted by the Village Council by the Village Clerk, shall be filed in accordance with Section 302 G of the Historic Landmarks Ordinance.

**ARTICLE V
AMENDMENTS**

Section 501 Authority to amend.

This ordinance may be amended by the Village Council in accordance with the provisions of this article.

Section 502 Initiation of amendments.

Proposed changes or amendments to this ordinance may be initiated by the Village Council, the Historic Landmarks Commission or the Zoning Administrator.

Section 503 Amending Articles I through VI; public hearing.

Before enacting any amendment to Articles I through VI of this ordinance, the Village Council shall hold a public hearing on the proposed amendment. Prior to the public hearing, the village shall publish a notice of public hearing in a local newspaper with general circulation in the Village once a week for two consecutive weeks. The first such publication shall appear not less than ten or more than twenty-five calendar days prior to the date fixed for the public hearing. In computing such period, the day of the publication shall not be counted, but the date of the hearing shall be counted. The notice shall include the time, place and date of the hearing, and the nature of the amendment. The notice of public hearing shall also conform to the requirements in Article 19 of NCGS 160A-364.

Section 504 Filing of this ordinance and amendments.

Within ten days of its adoption, this ordinance, and any amendments to Articles I through VI of this ordinance, shall be filed in accordance with Section 302 G the Historic Landmarks Ordinance and thereafter subsequent designation attachment additions, amendments or revocations shall make reference to the Book and Page where this ordinance, or the latest amendment of this ordinance, is recorded at the Henderson County Register of Deeds.

Section 505 Adding, amending or revoking attachments to this ordinance.

Before adding, amending or revoking a designation attachment to this ordinance the Village Council shall hold a public hearing on the proposed designation attachment, amendment or revocation in accordance with the Historic Landmarks Ordinance. Any such additions, amendments or revocations shall be attached to and become a part of this ordinance, or the latest amendment of this ordinance.

**ARTICLE VI
LEGAL STATUS**

Section 601 Conflict of laws.

Whenever this ordinance imposes more restrictive standards than are required under any North Carolina statute, or any other ordinance of the Village, the requirements of this ordinance shall govern. Whenever any statute or any other ordinance of the Village requires more restrictive standards than are required by this ordinance, the provisions of such statute or ordinance shall govern.

Section 602 Severability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction in the subject matter, such declaration shall not affect the validity of the ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 603 Effective date.

This ordinance shall take effect and be in force on and after October 10, 2013.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor

Approved as to form:

Sharon B. Alexander
Village Attorney

ATTACHMENT A
Dunroy – 249 Dunroy Drive

This attachment designating the property described below as a historic landmark, was adopted by the Village Council on October 10, 2013 as an attachment to the Village of Flat Rock Historic Landmarks Designation Ordinance that was adopted October 10, 2013, and any amendments thereto, in accordance with NCGS 160A, Article 19, Part 3C, and became a part of and is subject to that ordinance.

1. HISTORIC NAME OF PROPERTY:

Historic: None originally ca. 1880 Ambersley Current: Dunroy

2. LOCATION:

249 Dunroy Drive, Hendersonville, NC 28739 (within the boundaries of Flat Rock)
Deed Book 1183, Page 667, Henderson County Register of Deeds
PIN: 9567879640

3. LEGAL OWNER OF PROPERTY WHEN DESIGNATED:

Michael M. & Elaine Hamrick Thompson
249 Dunroy Drive
Hendersonville, NC 28739
(828) 696-8235

4. GENERAL INFORMATION REGARDING DESIGNATION:

Dates(s) of building(s)/structures: ca. 1862 (4) ca. 1900 (1) ca. 1920 (1) ca. 1930s (1)
ca. 1950 (1) ca. 1970 (2)

Outbuildings/structures: 9

Contributing buildings/structures: 7 Noncontributing buildings/structures: 3

Approximate Acreage: 1.24 acres

Architect and/or Builder: Henry T. Farmer

Present Use: Residence

5. LANDMARK DESIGNATION BOUNDARY

The boundary is the 1.24 acre lot on which the house and outbuildings are located and the exterior features of the house and contributing outbuildings, as more specifically described in the Local Designation Report for Dunroy that is on file with the Village of Flat Rock Historic Landmarks Commission and that was reviewed by the State Historic Preservation Office in August 2013.

6. SIGNIFICANCE STATEMENT:

The Dunroy home and several outbuildings were constructed around 1862 by David Rogerson Williams II on a 97 ½ acre estate fronting on the Buncombe Turnpike. The home is architecturally and historically significant due to the classic design and dates of construction. The builder was Henry Farmer, a historic individual in his own right. The house has been renovated several times and the architectural style has been changed from the original Classical Revival/Italianate style to the vernacular style, with scroll-sawn bargeboards and lattice work, which was also popular in the Flat Rock area in 1862. The ice house and the spring house outbuildings have remained as they were built in 1862. The property is historically significant due to its location in the Historic Flat Rock District on the Buncombe Turnpike and the individuals who built and have owned the property including General Campbell King who significantly renovated the house. It is also historically significant due to the many individuals of historic significance who have enjoyed its ambiance for over 150 years, including Christopher G. Memminger, the first Secretary of the Confederate Treasury. Some owners and visitors were relatives of three signers of the Declaration of Independence and/or the US Constitution (Heyward, Rutledge and Middleton). Early owners and visitors alike were the “Who’s Who” of antebellum South Carolina society.