



**AMENDING THE ADMINISTRATION REGULATIONS
OF THE
CITY CODE OF ORDINANCES, CITY OF CHERRYVILLE, NORTH CAROLINA
TO AMEND THE
ARCHITECTURAL REVIEW BOARD ORDINANCE**

WHEREAS, the City of Cherryville has previously adopted an ordinance to create and govern the Architectural Review Board for the City; and

WHEREAS, the existing ordinance is wordy and unclear, includes an unneeded definitions section, and doesn't refer to the recently established Downtown Director, and

WHEREAS, the existing ordinance contains inadequate requirements for the board's operation in that it: doesn't address actions when board members move out of the local area, doesn't address actions when board members don't attend board meetings, requires an architect be on the board, and is silent on who nominates members to the City Council for vote, and

WHEREAS, the architectural guidelines in the existing ordinance are wordy, unclear, not prescriptive, and not easily enforceable

WHEREAS, the architectural guidelines in the existing ordinance also contain language on outdoor seating and on sidewalk displays and advertising which are both out of place in architectural guidelines, and

WHEREAS, the existing ordinance is completely silent on the Cherryville Incentive Grant Program, and

WHEREAS, the Downtown Director and the Director of the Zoning Department of the City of Cherryville have recommended amendments to Chapter 2, Administration, Article IV, Division 4, Downtown Architectural Review Board, in order to: 1) clarify the language and clarify board operations, 2) address the Cherryville Incentive Grant Program, and 3) move to other ordinances requirements for: a) architectural guidelines, b) outdoor seating/displays, and c) outdoor advertising, and

DIVISION 4. DOWNTOWN ARCHITECTURAL REVIEW BOARD

Sec. 2-169. Purpose.

The purpose of establishing the Downtown Architectural Review Board (ARB) is to:

(a) facilitate compliance with the requirements for construction in the Downtown Central Business District as identified in the city building code for the district (Chapter 8, Article VII), and make recommendations regarding the code.

(b) approve requests to use the façade or building improvements matching grant program as established by the City Council.

Sec. 2-170. Establishment.

There is hereby established an architectural review board, hereinafter referred to as the "board" or ARB. The board's purview shall be limited to the redevelopment of the Downtown Central Business District as adopted by the City Council and on file with the Planning and Zoning Department.

Sec. 2-171. Membership eligibility.

- (a) Residence requirements. Any property or business owner or other interested professional living within the Cherryville local area is eligible to be considered for selection to the ARB. If an ARB member moves their main domicile out of the local area, then they cease to be eligible for continued membership on the ARB.
- (b) Professional requirements. Although not required for ARB membership, priority consideration will be given to individuals who are engaged in business in the Downtown Central Business District. If possible, at least one ARB member should be a general or construction contractor.

Sec. 2-172. Approval of membership applications.

Eligible applicants for membership will be presented by the Chair of the Cherryville Main Street Program (CMSP) to the City Council for approval in November.

Sec. 2-173. Termination of ARB membership.

- (a) Voluntary resignation. Any member may resign from the ARB upon written request to the City Council.
- (b) Involuntary expulsion for cause. Any ARB member may be expelled from the ARB by the City Council for conduct prejudicial to the aims or repute of the ARB or City, after notice and opportunity for a hearing are afforded the member complained against.
- (c) Loss of residence eligibility. An ARB member loses eligibility in accordance with Section 2-171 if they move out of the Cherryville local area.
- (d) Failure to attend meetings. An ARB member who fails to attend 2/3 of ARB meetings without cause and/or fails to inform the chair may be expelled by the City Council after notice and a hearing are afforded the member.

Sec. 2-174. Meetings and quorum.

Regular ARB meetings shall be monthly or as designated by the Chairperson. The Chairperson may also call meetings at any time. A majority of ARB members shall constitute a quorum.

Sec. 2-175. Composition, terms, term limits, seating, and vacancies.

- (a) Number of ARB members. The ARB shall be comprised of six members.
- (b) Terms. Two ARB members shall be appointed annually in November by the City Council to serve three years to replace the two appointed ARB members whose terms are expiring. Each appointee must have agreed to accept the responsibilities of ARB membership.
- (c) Term limits. An ARB member may be reappointed by the City Council for unlimited three year terms.
- (d) Seating. All newly appointed ARB members will be seated at the regular December meeting.
- (e) Vacancies. Vacancies on the ARB shall be filled by the City Council from nominations from the CMSP chair.

Sec. 2-176. Selection of chairperson and duties.

(a) Selection of chairperson. The chairperson shall be selected annually by the City Council after recommendation by the Chairperson of the CMSP.

(b) Duties of the chairperson. The chairperson shall: 1) serve as the policy head of the ARB, 2) preside over all meetings of the ARB, 3) periodically report to the City Council, 4) designate a fellow board member to take minutes, and 5) ensure all files are deposited with the Downtown Director.

Sec. 2-177. Limitation of Authority.

No action by an ARB member shall be binding upon, or constitute an expression of the policy of the ARB until such action shall have been approved or ratified by a quorum of the ARB.

Sec. 2-178. General Administration of the ARB.

(a) Development of application materials. The ARB will develop the following application materials.

(1) Detailed application forms. Such form will be used to apply for a Certificate of Appropriateness (for exterior work in the Downtown Central Business District) and/or the Cherryville Incentive Grant Program. The application form will require that applicants provide: 1) detailed plans and drawings which identify each detail of the project, 2) other appropriate information such as paint schemes, awning size, placement and color, 3) a short description of the work to be done, and 4) if applying for an incentive grant, detailed cost estimates

(2) Certificate of Appropriateness. Such form will be used by the ARB to approve exterior work in the Downtown Central Business District.

(3) Form decision letter for CIGP. Such letters will be used by the City Manager to communicate decisions by the ARB regarding application for CIGP funds.

(b) Materials to be given to applicants. The Downtown Director will provide the following materials to applicants.

(1) Appropriate ordinances from the city code.

(2) Application form

(3) Blank, sample COA, if appropriate.

(4) NC Secretary of the Interior's Standards for Rehabilitation.

Sec. 2-179. Application process -- for Certificates of Appropriateness and/or the Cherryville Incentive Grant Program

(a) Step 1: Initial meeting. The building owner or tenant shall first meet with the Downtown Director to discuss the proposed application.

(b) Step 2: Completion of Application. After the first meeting, the building owner or tenant shall complete an application and provide required supporting materials as defined in the application, to the Downtown Director who in turn will provide them to the chair of the ARB.

(c) Step 3: Follow up meeting. If needed, the building owner or tenant shall meet with the ARB to discuss the application.

(d) Step 4: ARB rules on application. Within 30 days of the application, the full ARB shall review and approve or reject the application and inform the Downtown Director. Assurances made by city staff or individual ARB members regarding applications will not be construed as binding.

(e) Step 5a: Notification of accepted applications.

(1) For accepted incentive grants, the Downtown Director shall provide a letter from the City Manager announcing the award of the grant.

(2) For accepted COA applications, the Downtown Director shall provide the applicant a completed COA.

(f) Step 5b: Rejection of applications.

(1) For rejected incentive grants, the Downtown Director shall provide a letter from the City Manager explaining the rejection and encouraging the applicant to modify the application and reapply.

(2) For rejected applications for a COA, the Downtown Director shall provide the applicants with a written explanation of deficiencies and encourage the applicant to reapply.

Sec. 2-180. General policies regarding the Cherryville Incentive Grant Program (CIGP).

(a) Establishment. The City Council shall establish the Cherryville Incentive Grant Program (CGIP) and annually review and update its policies and procedures. As established in this ordinance, the ARB will assess and rule upon requests for use of the CIGP.

(b) Description. The Cherryville Incentive Grant Program provides up to 50% of the total cost of approved projects. The Cherryville Incentive Grant Program serves as an incentive to taxpaying, downtown building owners to improve their downtown property while these owners make every effort to maintain the historic character of the property. In providing these incentive grants, the City of Cherryville intends to spur significant private reinvestment in the existing buildings that preserve the buildings' historic, architectural character.

(c) Eligibility of applicants and buildings.

(1) *Eligibility of applicants.*

Building owners, or tenants with the building owner's consent, may apply as follows.

- a. **Building Owners.** Building owners may apply for approval of any type grants for which their property is eligible.
- b. **Building Tenants.** Contingent upon the signed consent of the building owner on the application form, building tenants may apply for any type grant except roof repair/replacement and side window repair/replacement.

(2) *Eligibility of buildings.*

Eligibility is granted to any building located in the Cherryville Central Business District, with priority given to improvements that will make the greatest impact on the surrounding built environment. Buildings currently used in a trade or business or held for the production of income from nonresidential purposes are eligible. Private residences are not eligible.

(d) Types of Incentive Grants.

(1) *Building Front Grants.*

Building Front Grants may be granted for improving the exterior appearance of the front of an eligible property (i.e., improving the front façade). Each property is eligible only once every five years for a building front grant.

(2) *Side or Rear Façade Grants.*

Priority is given to storefront facades; but, if a building has more than one eligible façade (i.e., a side or rear façade visible from a public right-of-way as the result of a missing building or change in building setback) each façade is considered separately to meet the 50% matching rule. Each façade is eligible only once every five years for a façade grant.

(3) *Roof Grants.*

Roof grants may be granted for repairing the roof of an eligible building. Each property is eligible only once every ten years for a roof grant.

(4) *Interior Building Improvement Grants.*

Interior Building Improvement Grants may be granted for improving the interior property of a new, expanding, or relocated business.

(5) *Window Grants.*

Window Grants may be granted for replacing dilapidated windows – which are separate and apart from large, front windows handled by store front grants, if the new windows meet historical preservation requirements. Each window is eligible only once.

(e) Time Restrictions for Each Type Grant.

(1) *Building Front Grants.*

- a. For building owners: Once every 10 years.
- b. For building tenants: Once every five years.

(2) *Side or Rear Façade Grants.*

- a. For building owners: Once every 10 years.
- b. For building tenants: Once every five years.

- (3) *Roof Grants.*
 - a. For building owners: Once every 20 years.
 - b. For building tenants: Not eligible
 - (4) *Interior Building Improvement*
- Grants.
- a. For building owners: Once every 10 years.
 - b. For building tenants: Once every five years.

- Grants.
- (5) *Upper/side/rear Window*
 - a. For building owners: Once every 20 years per window.
 - b. For tenants: Not eligible.

(f) Funding and reward ceilings under each type of grant. The City Council will annually establish:

- (1) Total budget for each category of grant.
- (2) Reward ceilings for each type of grant request.

(g) Work requirements for matching grants.

(1) *Work meets all ordinance requirements.* All work in the CBD, whether covered by a grant or not, must meet ordinance requirements.

(2) *All work consistent with application.* All work must be consistent with the approved project or the total grant award may be voided.

(3) *Grant use restricted.* Grant funds can be used only for the project described in the application.

(4) *Timeliness required.* Work must be completed within four months of the date of review by the ARB.

(h) Reimbursement procedures.

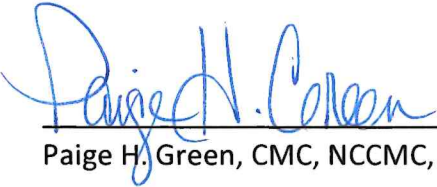
(1) *Receipts submitted.* Upon completion of work, the applicant will send copies of paid receipts/statements to the Downtown Director.

(2) *Work inspected.* After receiving statements and receipts, the Downtown Director and the chair of the ARB will inspect the completed work.


(3) *Check issued.* Once verification is made that work is completed in accordance with the application, the Downtown Director will request disbursement of grant funds from the city finance director who will issue a check.

(i) Requirements for Tenants to Reimburse the City of Cherryville if Vacating Grant-Improved Facilities In Less Than Twenty Four Months. Tenants receiving a grant must agree to remain in the improved facility for 24 months from the time the funds were disbursed or reimburse the city for the full amount of the grant.

**ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLIA
THIS 25 DAY OF MAY, 2021.**



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

