

Amendment to an Ordinance – Richard Wearn House

Amendment to the ordinance for the Historic Landmark known as the “Richard Wearn House.” This amendment expands the local historic landmark designation of the property to include the interior and exterior of the house and the outbuildings, and .856 acres of land associated with the house (land and buildings listed under Tax Parcel Number 05903272 as of June 1, 2015 in the Mecklenburg County Tax Office, Charlotte, North Carolina). The Richard Wearn House is located at 4928 Tuckaseegee Road in Charlotte, North Carolina, and is owned by Susan Lee Ward. The Richard Wearn House was originally designated as an historic landmark by the Charlotte City Council on December 10, 1979.

WHEREAS, all of the prerequisites to the adoption of this amendment prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 21st day of September, 2015, on the question of amending the ordinance designating the Richard Wearn House as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 14th day of September, 2015, on the question of amending the ordinance designating the Richard Wearn House as an historic landmark; and

WHEREAS, when the Richard Wearn House was originally designated as an historic landmark by the Charlotte City Council on December 10, 1979, only the exterior of the house was included in the designation; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that amending the ordinance to include the interior and exterior of the house and the outbuildings, and .856 acres of land associated with the house, would further enhance and protect the historical integrity of the Richard Wearn House; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as Richard Wearn House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as Richard Wearn House is owned by Susan Lee Ward.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the ordinance for the Historic Landmark known as the “Richard Wearn House,” originally adopted by the Charlotte City Council on December 10, 1979, is hereby amended to include the interior and exterior of the house and the outbuildings, and .856 acres of land associated with the house (land and buildings listed under Tax Parcel Number 05903272 as of June 1, 2015 in the Mecklenburg County Tax Office, Charlotte, North Carolina) as pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The Richard Wearn House is located at 4928 Tuckaseegee Road in Charlotte, North Carolina. Features of the property are more completely

described in the *Survey and Research Report on the Richard Wearn House (1979)*, and the *Report on Amending the Designation Ordinance for the Richard Wearn House (2015)*.

2. That said interior and exterior are more specifically defined as the historic and structural fabric, especially including all original interior and exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. 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.

4. Nothing in this ordinance shall 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. Owners

of locally 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*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as an historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the “Richard Wearn House ” be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2015, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

Assistant City Attorney