

Ordinance – Ervin Building

Ordinance designating as an Historic Landmark a property known as the “Ervin Building” (listed under Tax Parcel Numbers 13111110 and 13111114, and including the interior and exterior of the building, and the land listed under Tax Parcel Numbers 13111110 and 13111114 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2021). The property is owned by The Ervin Building LLC, and is located at 4037 East Independence Boulevard in Charlotte, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance 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 28th day of June, 2021, on the question of designating a property known as the Ervin Building 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 June, 2021, on the question of designating a property known as the Ervin Building as an historic landmark; and

WHEREAS, the Ervin Building is a significant local historic property for its association with Charlotte developer Charles Ervin, a builder turned developer who founded the Ervin Company in 1951 – which became the largest home builder in the South by 1958 – and capitalized on the building boom following World War II; and

WHEREAS, the Ervin Building is also significant for being Charlotte’s first skyscraper east of downtown, an intentionally strategic decision by Ervin as part of his vision for the city’s future, placing the structure on the decade-old Independence Boulevard, a crosstown corridor designed for better access to the city’s suburbs; and

WHEREAS, when completed in 1964, the Ervin Building was the first major large-scale commercial structure along Independence Boulevard, and remains as a significant early example of the outward suburban growth of Charlotte post-WWII; and

WHEREAS, the Modernist design of the Ervin Building incorporated several innovative interior features intentionally created to facilitate employee interactions and collaborations, including public spaces with connecting corridors and an open floor plan with temporary interior walls for ease of adaptive use and tenant customization; and

WHEREAS, the Ervin Building still retains its original mid-century Modernist design and most of the original structural features Ervin included to create a cohesive workplace; and

WHEREAS, based on the additional information further detailed in the *Ervin Building Local Landmark Designation Report*, all of which is incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Ervin Building possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the Ervin Building, because consent for interior design review has been given by the owner; and

WHEREAS, the property known as the Ervin Building is owned by The Ervin Building LLC.

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

1. That the property known as the “Ervin Building” (listed under Tax Parcel Numbers 13111110 and 13111114, and including the interior and exterior of the building, and the land listed under Tax Parcel Numbers 13111110 and 13111114 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of February 1, 2021) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 4037 East Independence Boulevard in Charlotte, North Carolina. Interior and exterior features are more completely described in the *Ervin Building Local Landmark Designation Report*.

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 a 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 Ervin Building 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 a 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 _____, 2021, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

Senior Assistant City Attorney