

## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 Procedures for Specific Applications

#### **K. HISTORIC DISTRICT OVERLAY ESTABLISHMENT**

##### **1. Adoption of Ordinance Establishing**

The Board of County Commissioners may adopt and, from time to time, amend or repeal an ordinance establishing a Historic District Overlay. The ordinance shall include information which shall describe the physical area proposed for designation; its boundaries; and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Historic Preservation Commission or at the request of any number of property owners. No ordinance to establish an overlay district shall be adopted or amended until all of the requirements of this Ordinance and its subsections have been satisfied. See Section 4.12 for detailed procedures and requirements for Historic District Overlay establishment.

#### **L. HISTORIC LANDMARKS DESIGNATION**

##### **1. Adoption of ordinance of designation**

**a.** The local governing body may adopt, amend or repeal an ordinance designating any Historic Landmark property. The ordinance shall contain information on any designated property which includes:

- (1) the name(s) of the owner(s) and the street address if applicable;
- (2) a description of the physical configuration and orientation of any historic resources within the Historic Landmark designation boundaries;
- (3) a description of those elements which are integral to the property's historic, architectural, archaeological, and/or cultural significance;
- (4) review standards which the Historic Preservation Commission shall prepare and adopt not inconsistent with G.S. § 160D-949 for constructing, altering, restoring, rehabilitating, repairing, relocating, removing, or demolishing of property designated as historic. The review standards shall ensure, insofar as possible, that any of the above-listed activities on Historic Landmark properties shall be in harmony with the reasons for designation; and any other information deemed necessary, within the authority of this Ordinance and the general statutes, as determined by the local governing body.

**b.** The Historic Landmark designation process may be initiated by either the Historic Preservation Commission or at the request of a property owner. No ordinance to designate any building, structure, object, site or area shall be adopted or amended until all the requirements of this Ordinance and its subsections have been satisfied.

##### **2. Criteria for Designation**

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the HPC to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

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### 3. Procedure for Designation

**a.** The Historic Preservation Commission (HPC) shall make, or cause to be made, an investigation/designation report including:

- (1) the name of the property to be designated, including both common and historic names if they can be determined;
- (2) the name(s) and address(es) of the current owner(s);
- (3) the location of the property for which designation is proposed, including the street address and Guilford County tax map parcel number or parcel identification;
- (4) the dates of original construction and of all later additions or alterations, if applicable;
- (5) an assessment of the significance of the building or site as prescribed by this Ordinance;
- (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
- (7) a narrative of the history of the site and/or structure within the context of its type, period, and locality;
- (8) photographs including at least one sufficient to show the overall disposition of the property; at least one photograph of each façade or elevation; photographs sufficient to illustrate architectural details, ornamentation, scale and proportion; and photographs sufficient to indicate the relationship of buildings, structures, objects, sites or areas to each other;
- (9) a map showing the location of the property, including all outbuildings and appurtenant features situated upon it; and
- (10) any review standards specific to the property other than the National Park Service's Secretary of Interior Standards.

**b.** Pursuant to G.S. § 160D-946 as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources (NCDRC), Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the NCDRC to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the NCDRC and relieve the Board of Commissioners of all responsibility to consider the NCDRC's comments or recommendations concerning the report.

**c.** The HPC shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or postpone a decision until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to the local governing body a copy of the report, copies of written comments received from the NCDRC, and a recommendation either to approve or deny designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this Ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation.

**d.** For non-approval of a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property, including a letter

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explaining the basis for the HPC's decision. A recommendation against approval shall not prevent any future consideration of a property for designation as a Historic Landmark.

**e.** The local governing body shall hold a public hearing, either jointly with the HPC, or separately, to consider the proposed ordinance, with public notice to comply with Section 3.2.

**f.** Following the public hearing, the local governing body shall consider the HPC's designation report and recommendations, the NCDRC recommendations, and comments made at the public hearing, and shall adopt the ordinance as proposed or with amendments, or reject the ordinance.

**g.** Upon adoption of the ordinance, the Planning and Development Director shall:

(1) within thirty (30) days of adoption, send the owner(s) of the Historic

Landmark(s) written notice of such designation, explaining the substance of the HPC's decision, via certified mail with a return-receipt requested;

(2) file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Guilford County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes;

(3) if the Historic Landmark lies within a zoning jurisdiction which the County has adopted an interlocal agreement for historic preservation planning services, file a second copy of the ordinance and any subsequent amendments thereto, in the office of the pertinent municipal clerk where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector for the designating jurisdiction; and

(4) shall notify the Guilford County tax assessor of the Historic Landmark designation.

**h.** Upon notification from the HPC, the Guilford County Tax Assessor shall clearly indicate the designation on all appropriate tax maps.