

ARTICLE 3 – PERMITS AND PROCEDURES

3.5 Procedures for Specific Applications

D. CERTIFICATE OF APPROPRIATENESS

1. Applicability

a. A Certificate of Appropriateness (COA) shall be required for all Major and Minor work activities within Historic District Overlays established per Article 4.12 and within the boundaries of any local Historic Landmark property designated per Section 3.5.K and 3.5.L. A Certificate of Appropriateness is required whether a building permit is otherwise required. Any building permit or other permit issued not in conformity with this Section shall be invalid. (*See Certificate of Appropriateness Flow Chart at the end of section*).

b. Work activities requiring a COA include new construction, relocation, demolition, and changes to features including architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, architectural details, light fixtures, signs, appurtenances, landscaping, archaeological resources or site characteristics.

2. Pre-Application Conference for COA

a. A pre-application conference with Planning and Development Staff is recommended in order to assure that the COA application is sufficiently complete to be placed on the next available HPC agenda.

3. Application Submittal

a. Application for a Certificate of Appropriateness (COA) shall be made to the Planning and Development Department on forms provided. At that time, staff will determine whether the COA application is for a minor or major work. The application must be filed no later than thirty (30) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed alterations, additions, relocation, and/or new construction.

Commentary: A list of Minor and Major work activities requiring a COA may be obtained from the Planning and Development Department.

b. Guilford County and all public utilities, except as provided under this Section, are required to obtain a COA prior to initiating any alterations within the Historic District Overlay or local Historic Landmark boundaries including, but not limited to, changes to street paving, street widths, utility installations or removals, lighting, street trees, walls, fences, sidewalks, signage (other than required regulatory signage), or structures on property/streets in which they have a fee or other interest.

c. A Certificate of Appropriateness shall be required for any changes to buildings, structures, sites, areas, or objects within Historic Overlay District or local Historic Landmark boundaries which are owned by the State of North Carolina or any of its agencies and instrumentalities, subject to the regulations of this Ordinance and in accordance with North Carolina General Statute 160D-400.9(f).

Guilford County Unified Development Ordinance: Adopted 11/19/20

4. Review Standards

a. The HPC must adopt review standards for each historic district overlay. The HPC also shall apply the Secretary of Interior's Standards for Rehabilitation. (see 36 Code of Federal Regulations section 67.7.)

b. The review standards shall take into account the historic, architectural, and visual elements of the district and consider the following factors:

(1) Historic Significance or Quality

The significance or quality in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects;

i. that are associated with events that have made a significant

contribution to the broad patterns of local, state, or national history; or

that are associated with the lives of persons significant in the past; or

ii. that embody the distinctive characteristics of a type, period, or method of construction; or

iii. that represent the work of a master or that possess high artistic values; or

iv. that represent a significant and distinguishable entity whose

components may lack individual distinction; or that have yielded, or

may be likely to yield, information important in prehistory or local,

state, or national history.

(2) Exterior Form and Appearance

In considering exterior form and appearance, the Historic Preservation Commission shall consider the following elements and any others deemed necessary by the Historic Preservation Commission to ensure that any work or changes are consistent with the historic or visual character of the district:

i. Architectural features;

ii. Height of the building or structure;

iii. Setback and placement on lot of the building or structure, including lot coverage and orientation;

iv. Exterior construction materials, including textures, patterns;

v. Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;

vi. Roof shapers, forms, and materials;

vii. Proportions, shapes, positionings and locations, patterns, and sizes of any elements of windows and doors;

viii. General form and proportions of buildings and structures;

ix. Appurtenant fixtures and other features such as lighting;

x. Use of local or regional architectural traditions; and

xi. Effect of adding or removing trees and other landscape elements.

5. Staff Review and Issuance of COAs for Minor Work

a. The Planning and Development Director may review and approve Certificate of Appropriateness (COA) applications for minor work provided that no application may be denied without formal action by the Historic Preservation Commission (HPC).

b. The Planning and Development Director shall transmit any application for a COA that is not eligible for staff approval, together with the supporting information and material to the HPC for consideration.

6. HPC Review, Decision, and Issuance of COAs for Major Work

a. The Historic Preservation Commission (HPC) shall act upon applications for a

Guilford County Unified Development Ordinance: Adopted 11/19/20

Certificate of Appropriateness (COA) for major work within ninety (90) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a COA shall be issued. Nothing herein shall prohibit an extension of time when there is mutual agreement between the HPC and the applicant.

b. Prior to issuance or denial of a COA for major work, the HPC shall give the applicant and members of the public an opportunity to be heard at an evidentiary hearing concerning the COA application, and as deemed necessary, seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

c. The Planning and Development Director shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a COA for major work according to Article 3.2 Public Notice Procedures. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a COA or of any subsequent action.

d. The HPC shall not refuse to issue a COA except for the purpose of preventing the construction, reconstruction, repair, alteration, or relocation/removal of buildings; structures; appurtenant features; or signs within the boundaries of or a Historic District Overlay or local Historic Landmark which would be incompatible with the Secretary of Interior's Standards and any review standards adopted with the designating Ordinance.

e. If the HPC denies a COA, a new COA application for the same property may be submitted, provided a substantial change is proposed to the previously submitted plans.

f. A COA shall be valid for three hundred and sixty-five (365) calendar days from date of approval. If the authorized work has not commenced within that period or has been discontinued for more than three hundred and sixty-five (365) calendar days from the date of approval, the COA shall immediately expire and the applicant shall be required to reapply.

g. Any development activity within the Historic District Overlay or local Historic Landmark boundaries not in compliance with the provisions of this section shall be a violation of this Ordinance and subject to remedies found in Article 10 – Enforcement.

7. Review Criteria

a. In granting a Certificate of Appropriateness (COA), the Historic Preservation Commission (HPC) shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure as outlined in Article 4.12.

b. When considering the application, the HPC shall apply the review standards required by Section 3.5.K and 3.5L and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the HPC based its decision.

c. The HPC shall not consider interior arrangement for a property within a Historic

Guilford County Unified Development Ordinance: Adopted 11/19/20

District Overlay unless it is designated as a local Historic Landmark. For local Historic Landmarks, a COA shall be required for specific interior features of architectural, artistic, or historic significance for which consent to review has been given in writing by the owner. Such consent shall be filed in the County name Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The Ordinance establishing Historic Landmark designation of the property shall specify the interior features subject to review and the specific nature of the HPC's jurisdiction over those features.

8. Certain Changes not Prohibited

a. Nothing in this Ordinance shall be construed to prevent:

- (1) the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a Historic District, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
- (2) the construction, alteration, relocation, or demolition of any such feature, building, or structure when the building inspector or similar official certifies to the HPC that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
- (3) a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
- (4) the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the HPC.

9. Appeals (See Section 3.5C.)

An appeal of a final action by the Historic Preservation Commission (HPC) may be made to the Board of Adjustment. Written notice of intent to appeal must be sent to the HPC, postmarked within twenty (20) calendar days following the HPC's decision. Appeals must be filed with the Board of Adjustment within sixty (60) calendar days following the HPC's decision and shall be in the nature of certiorari. A decision by the Board of Adjustment may be appealed to the Superior Court of Guilford County.

Guilford County Unified Development Ordinance: Adopted 11/19/20

10. Certificate of Appropriateness Process Flowchart

