

ARTICLE 4 – ZONING DISTRICTS

4.12 OVERLAY DISTRICT REQUIREMENTS

A. HISTORIC DISTRICT OVERLAY DESIGNATION

1. Adoption of Ordinance of Designation

The Board of County Commissioners may adopt, amend or repeal an ordinance designating a Historic District Overlay. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historical, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Historic Preservation Commission (HPC) or at the request of any number of property owners. No ordinance to designate a district 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 District Overlay, an area 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.

Procedure for Designation

a. The Historic Preservation Commission (HPC) shall make, or cause to be made, an investigation and designation report which includes:

- (1) an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district;
- (2) a description of its boundaries;
- (3) a map clearly indicating the boundaries of the district and the properties, showing their tax map parcel numbers, contained therein; and review guidelines at minimum including the Secretary of Interior’s Standards. (See Section 3.5L).

Commentary: Review standards guide both major and minor work activities for which a Certificate of Appropriateness (COA) is required within Historic District Overlays. See Article 3.5D – Permits and Procedures. A list of “Major and Minor Work Items” may be obtained from the Guilford County Planning and Development Department.

b. The Historic District Overlay designation report shall be:

- (1) referred to the Planning Board for review and comment according to procedures set forth in the zoning ordinance Guilford County; and
- (2) submitted to the North Carolina Department of Cultural Resources (NCDRCR), 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 NCDRCR to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the NCDRCR and relieve the Board of County Commissioners of all responsibility to consider the NCDRCR’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 defer a decision until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to Board of County Commissioners a copy of the report, copies of

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written comments received from NCDCCR, and a recommendation either to approve or deny designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district overlay.

d. Upon receipt of a recommendation and designation report from the HPC, the Board of County Commissioners shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

Revisions to Boundaries. Procedures for revisions to the boundaries of designated Historic District Overlay subsequent to its initial designation shall be those as provided in this Section for initial district designation.

3. Zoning Standards. All applicable zoning regulations of the underlying zoning district including those in Article 7 – Signage shall apply to property within the Historic District Overlay unless a variance is approved by the Board of Adjustments after first receiving a recommendation from the Historic Preservation Commission.

4. Prohibited Uses. The following uses are deemed incompatible and are specifically prohibited within the Historic District Overlay:

- a.** Land clearing and inert debris (LCID);
- b.** Landfills [major or minor];
- c.** Construction & Demolition (C&D) landfills [minor]; or
- d.** Junked motor vehicles.

5. Adjacent Properties. The requirements, standards and prohibited uses for the Historic District Overlay do not apply to any adjacent property situated outside the overlay. Further, the establishment of the Historic District shall not affect, restrict, or limit the development rights, as provided for in the Guilford County Development Ordinance, of any adjacent property owners located outside of the Historic District Overlay.

6. Enforcement. Any development activity within the Historic District Overlay 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.