

TEXT AMENDMENT CASE #3-08

TEXT AMENDMENT CASE #3-08: Amend Section 4-12.1(H) of the Guilford County Development Ordinance by adding a new subsection 2), Foust-Carpenter and Dean Dick Farms Historic District, providing for district limits, requirements, zoning standards, prohibited uses, adjacent property, enforcement provision, and an effective date. Text on file in the Planning and Development Department.

STAFF COMMENTS: Modeled after the Oak Ridge Historic District, the ordinance amendment below has been crafted to respect the agricultural history and heritage for the new historic district, yet provide a framework for the reasonable use and enjoyment of the property. Staff recommends approval of the ordinance as presented, and stresses the fact that the regulations provided for in the ordinance apply to the lands within the historic district and will 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.

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 4-12.1 H - HISTORIC DISTRICTS OF THE GUILFORD COUNTY DEVELOPMENT ORDINANCE BY ADDING NEW DISTRICT 2) FOUST-CARPENTER AND DEAN DICK FARMS HISTORIC DISTRICT AND PROVIDING FOR DISTRICT LIMITS, REQUIREMENTS, ZONING STANDARDS, PROHIBITED USES, ADJACENT PROPERTIES, AND ENFORCEMENT PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part 3C of Article 19, Chapter 160A of the General Statutes of North Carolina governs the establishment of historic districts as overly districts; and

WHEREAS, all of the owners of the land collectively referred to as the "Foust-Carpenter and Dean Dick Farms" have voluntarily petitioned to have their lands designated a historic district; and

WHEREAS, the Foust-Carpenter and Dean Dick Farms petition has adhered to the designation procedures outlined under Chapter 4-12.1 (A); and

WHEREAS, the Guilford County Historic Preservation Commission, based on information contained in the historic district application, and the analysis and recommendation from the North Carolina Department of Cultural Resources, through the State Historic Preservation Officer, recommended the creation of the proposed Foust-Carpenter and Dean Dick Farms historic district after holding a public hearing on April 15, 2008; and

WHEREAS, the Planning Board held public hearings on June 11, 2008 and voted to approve the creation of the Foust-Carpenter and Dean Dick Farms Historic District overlay, and further, to recommend approval of the proposed amendment to establish the new historic district by the Board of County Commissioners; and

WHEREAS, establishment of the proposed Foust-Carpenter and Dean Dick Farms historic district will promote the protection, and continued viability of 360+ acres of historically and culturally significant farmlands, and will further adopted policies contained in the Guilford County Comprehensive Plan; and

WHEREAS, establishment of the proposed Foust-Carpenter and Dean Dick Farms historic district will 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.

NOW, THEREFORE, BE IT ORDAINED BY THE GUILFORD COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

Chapter 4-12.1 H of the Guilford County Development Ordinance is amended to read as follows:

2) Foust-Carpenter and Dean Dick Farms.

a) Limits of District: as shown on the map entitled Proposed Historic District for Foust-Carpenter and Dean Dick Farms dated _____, 2008.

b) Requirements: The minor works listed under (i) below require approval of a Certificate of Appropriateness by the Enforcement Officer. The major works listed under (ii) below require design review by the Historic Preservation Commission in order to obtain a Certificate of Appropriateness. Determinations of appropriateness for routine maintenance, minor and major works will be based upon the Secretary of Interior's Standards and the Guilford County Landmark Properties List of Work Items (approved 4/02).

i) The following minor works shall require approval of a Certificate of Appropriateness by the Enforcement Officer:

- a) Construction of exterior additions to an existing building when such additions are not visible from a publicly maintained street right-of-way.
- b) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from a publicly maintained street right-of-way provided that the design, detailing, and materials used are the same as the existing or original used on the structure.
- c) Installation of new windows and doors visible from a publicly maintained street right-of-way provided that the design, detailing, and materials used are the same as the existing or original used on the structure. Storm doors, screen doors and storm windows are exempt from this requirement.
- d) Construction of fences or walls not visible from a publicly maintained street right-of-way.
- e) Installation or removal of wood siding or simulated wood siding.
- f) Relocation of a noncontributing structure to a lot outside the Historic District.
- g) Demolition of all or part of a noncontributing structure when one (1) side is twelve (12) feet long or greater.
- h) Renewal of an expired Certificate of Appropriateness where there has been no changes in plans or circumstances under which the Certificate was initially approved.

ii) The following major works shall require design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission:

- a) Construction of any new building that 1) requires a building permit or 2) is visible from a publicly maintained street right-of-way.
- b) Construction of an exterior addition to any existing building if said addition is visible from a publicly maintained street right-of-way.

- c) Construction, rerouting, or widening of any public roads.
 - d) Relocation of any contributing structure.
 - e) Demolition of all or part of a contributing structure.
 - f) Installation of earth berms or other significant changes to existing topography.
 - g) Removal of trees twelve (12) inches or greater in diameter when measured four (4) feet to six (6) feet above adjacent grade.
 - h) Topping or deep pruning of mature canopy trees visible from a publicly maintained street right-of-way.
 - i) Construction of fences or walls visible from a publicly maintained street right-of-way.
 - j) Addition or deletion of any architectural feature, such as porches, steps, balconies, or decks if visible from a publicly maintained street right-of-way.
 - k) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from a publicly maintained street right-of-way when such materials will differ in design from the existing or original. (Installation or removal of wood siding or simulated wood siding is a minor work).
 - l) Installation of new doors or windows visible from a publicly maintained street right-of-way when such doors or windows will differ in design or material from the existing or original. (Storm doors, screen doors and storm windows are exempt from this requirement).
 - m) Replacement of roof covering when it will differ from the existing or original material. (This requirement does not apply to a change in shingle color or pattern).
 - n) Painting of brick or stone which is currently unpainted.
 - o) Installation of new utility poles and related equipment. Nothing in this ordinance shall be construed to prevent 1) the maintenance, or 2) in the event of emergency, the immediate restoration of any above-ground utility structure without approval of the Historic Preservation Commission.
 - p) Exterior work not 1) listed under minor works and 2) considered routine maintenance.
- c) Zoning standards: All applicable zoning regulations of the underlying zoning district shall apply to property within the Historic District unless a variance is approved by the Board of Adjustments after first receiving a recommendation from the Historic Preservation Commission.
- d) Prohibited uses: The following uses are deemed incompatible and are specifically prohibited within the Historic District:
- Land clearing & inert debris (LCID) landfills [major or minor], construction or demolition (C-D) landfills [minor], junked motor vehicles.
- e) Adjacent properties: The requirements, standards and prohibited uses for the Historic District do not apply to any adjacent property situated outside the limits in subsection a). 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.
- f) Any development activity within the Historic District not in compliance with the provisions of this section shall be a violation of this ordinance and subject to remedies found in section 8-4 (Remedies).

This ordinance shall take effect immediately upon adoption by the Guilford County Board of County Commissioners.

PUBLIC COMMENTS:

PLANNING BOARD RECOMMENDATIONS:

Motion to Recommend Approval for Text Amendment to BCC:

Vote ____ to ____ in favor of the motion.

ROLL CALL VOTE:

Apple	_____	Deal	_____
Davis	_____	McKinney (A)	_____
Brigman	_____	Wood (A)	_____
Gordon	_____	Derrickson (A)	_____
Proctor	_____	Walton-Munden (A)	_____
Craft	_____	Leonard (A)	_____