

**ORDINANCE A**

(Enacting the Land Use Management Ordinance Text Amendment proposal)

**AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT  
ORDINANCE SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO REVIEW CRITERIA  
FOR A CERTIFICATE OF APPROPRIATENESS APPLICATION (2021-11-17/O-4)**

WHEREAS Chapter 160D of the North Carolina General Statutes provides that the Historic District Commission shall “adopt principles and standards ... to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition;” and

WHEREAS, on September 23, 2019, Planning Department staff provided a recommendation to the Council Committee on Boards & Commission to amend the LUMO following the adoption of the Design Principles and Standards to provide greater clarity on the legal basis for application of the Design Principles and Standards in the Commission’s review of Certificate of Appropriateness (COA) applications; and

WHEREAS, the Historic District Commission adopted the Design Principles & Standards on March 18, 2021; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications and reflect legislative updates in Chapter 160D of the North Carolina General Statutes and from Sec. 947(a), which requires the Commission to apply the adopted Design Standards to determine whether proposed changes are incongruous with the special character of the Town’s local historic district; and

WHEREAS, the text amendments approved on April 21, 2021, removed additional review criteria pertinent to the Historic District Commission’s review of Certificate of Appropriateness (COA) applications; and

WHEREAS, additional LUMO language is now required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statute 160D-947(a) requires that the historic district Commission (HDC) find that COA applications are not incongruous with the special character of the historic district; and

WHEREAS, the Historic District Commission reviewed the text amendment to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021, and recommended that the Council enact the text amendment; and

WHEREAS, the Planning Commission reviewed the text amendment to Land Use Management Ordinance Article 3, Section 3.6.2 on October 19, 2021, and recommended that the Council enact the text amendment; and

WHEREAS, the Council called a legislative hearing on October 27, 2021 to amend Article 3, Sections 3.6.2 of the Land Use Management Ordinance as it relates to the Historic District Commission’s Review Criteria applied to Certificates of Appropriateness applications; and

WHEREAS, the Council held and continued that legislative hearing on October 27, 2021; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 3, Section 3.6.2 related to Historic District Commission's Review Criteria applied to Certificates of Appropriateness applications and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A vibrant, diverse, pedestrian-friendly, and accessible downtown with opportunities for growing office, retail, residential, and cultural development and activity (Good Places, New Spaces.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Good Places, New Spaces.5)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, be amended as follows:

**Section 1.** Section 3.6.2., *Historic Districts*, subsection (e) *Review criteria* is hereby revised to read as follows:

“(e) *Review criteria*.

(1) When considering the application, the commission shall apply the Design Principles and Standards 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 the Design Principles and Standards~~ **whether the application is incongruous with the special character of the historic district**, 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 commission based its decision.

(2) The review shall not consider interior arrangement or use.

(3) The review shall not consider plantings and other vegetation.

(4) The review shall not consider paint color.”

**Section 4.** This ordinance shall be effective upon enactment.

This the 17<sup>th</sup> day of November, 2021.