



Land Use Management Ordinance Text Amendments: Historic District Commission Procedures

October 30, 2019

RECOMMENDATION



Staff recommends:

Open the public hearing, receive comments, and continue the public hearing to the November 20, 2019 meeting

Text Amendment Background

Total of 15 items proposed

- 6 recommended by Council Committee on Boards & Commissions (2017)
- 8 additional items recommended by Historic District Commission (2019)
- 1 proposed by Town Staff (2019)

September 23, 2019: Council Committee on Boards & Commissions recommended moving forward with seven text amendments

Text Amendment Process

**Staff
Review**



**Historic
District
Commission
Review
10/15/19**



**Planning
Commission
Review
10/15/19**



**Council
Public
Hearing
10/30/19**



**Council
Action
11/20/19**

What's in your packet?

- HDC Recommendation
- Planning Commission Recommendation
- Resolution of Consistency
- Ordinance A (Approval)
- Resolution B (Denial)



Text Amendment Overview

1. Reduce time for action on COAs
2. Clarify language for resubmittal of COA applications
3. Add a provision for expiration of a COA
4. Clarify review criteria and congruity standard
5. Clarify voting procedure
6. Require updated inventories

1. Reduce Time for Action on COAs

Section 3.6.2(d)(4) Procedures for approval of certificates of appropriateness

“(4) Action on the application. Within ~~one hundred eighty (180)~~ ninety (90) days of the ~~acceptance~~ filing of an application, or within such further time consented to by written notice from the applicant, the town manager or the commission shall approve the application, approve the application with conditions, or deny the application. The time period for action by the Commission shall be stayed during periods of appeal to the Board of Adjustment by any party. Under no circumstances shall the time period for which the Commission may take action be extended beyond 180 days from the date an application is filed. An application is considered filed when it has been submitted, deemed complete by the town manager, and the requisite application fee has been received by the Town.”

2. Clarify Language for Resubmittals

Section 3.6.2(d)(7) Procedures for approval of certificates of appropriateness

“(7) Submittal of new application. If the commission denies an application for a certificate of appropriateness, a new application affecting the same property may be ~~submitted~~ accepted by the town manager only if ~~substantive~~ substantial change, with respect to the reasons for its denial, is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.”



3. COA Expiration

Section 3.6.2(d)(8) Procedures for approval of certificates of appropriateness

“(8) A certificate of appropriateness shall be valid for 365 calendar days from date of issuance, or, in the case of a certificate for demolition, from the effective date. If the authorized work has not commenced within that period, has not been extended by the Commission, or has been discontinued for more than 365 calendar days from the date of issuance, such certificate of appropriateness shall expire and the applicant shall be required to reapply and obtain a new certificate of appropriateness before commencing further work.

All certificates of appropriateness issued prior to November 20, 2019 for which work has not commenced or which have not been extended by the Commission shall be valid until November 20, 2020.

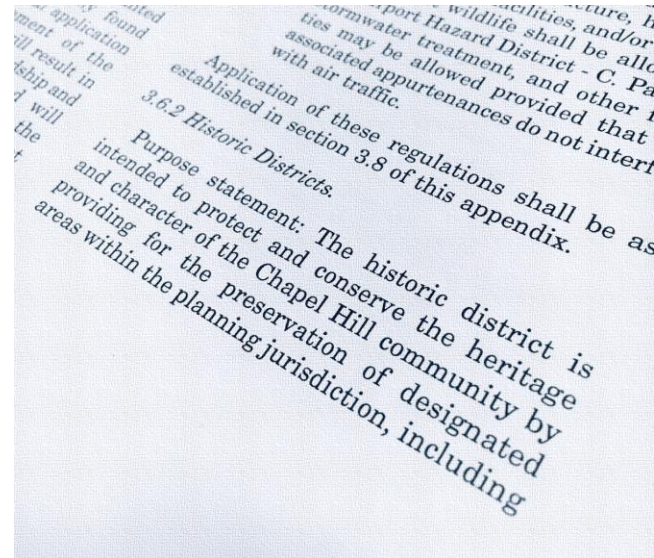
The town manager may grant a single extension of the time limit for up to twelve (12) months if he/she determines that:

- A. The certificate holder submitted the request within sixty (60) days of the expiration date;
- B. The certificate holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant Commission reconsideration of the approved project.”

4. Clarify Review Criteria and Congruity Standard

Section 3.6.2(e)(3) Review criteria

“(3) The commission, using the criteria below, shall make findings of fact indicating ~~the extent to which~~ whether the application is or is not congruous with the historic aspects of the historic district. The commission, in its written decision, shall reference testimony or documents in the record of the hearing as appropriate and necessary in order to inform all parties of the basis of these findings of fact.”



5. Amend Voting Procedures

Section 8.4.9 Quorum and voting

“A quorum of the commission, necessary to take any official action, shall consist of six (6) members. The concurring vote of ~~five (5) members~~ a majority of the membership of the commission shall be necessary to take any official action to approve or deny an application or permit. Vacant positions on the board and members who are disqualified from voting shall not be considered members of the board for the calculation of the requisite majority.”



6. Require Updated Inventories

Section 8.4.10 Historical and Architectural Significance ~~Maps~~ Inventories

“The commission shall prepare, maintain, ~~and consult maps,~~ and make available to the public inventories, including photographs and assessments, showing the historic and architectural significance of buildings, structures, sites, areas, objects, and cultural landscapes within the historic districts. Such ~~maps~~ inventories of historic resources shall be used as a guide for the designation of historic districts. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) updated at least every five (5) years.”

Next Steps

- RFP drafted for Design Guidelines rewrite
 - To be completed August 2020
 - Future text amendment referencing Design Guidelines
- Update Commission documents
- Continue research



*Design Guidelines for the
Chapel Hill Historic Districts*

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Reference the Design Guidelines

Section 3.6.2(e) Review criteria:

“(1) In considering an application for a certificate of appropriateness, the review shall take into account the historical and/or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as informed by the Design Guidelines.”

**Council
Committee on
Boards &
Commissions**

1. Require findings of fact to reference evidence
2. Clarify the congruity standard
3. Reduce time for action on Certificates of Appropriateness
4. Clarify language on resubmittals
5. Clarify responsibilities regarding Concept Plan review
6. Clarify Council's expectations of HDC and BOA members

**Historic
District
Commission**

7. Clarify setback and height relationships with congruity requirements
8. Adopt a Historic Landmarks Program
9. Update Demolition through Neglect provisions
10. Provide for an expiration of Certificates of Appropriateness
11. Tie the Design Guidelines to the LUMO
12. Clarify that applicants bear the burden of proof
13. Clarify purview over significant site features
14. Require updated inventories

Town Staff

15. Clarify voting procedures

Design Guidelines
Materials update
Future action