



Planning Commission

**Regular Agenda – Text Amendments to Land Use Management Ordinance
Section 3.6.2(e)(4) and Section 8.4**

Summary Report

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

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<p>Applicant Town of Chapel Hill Planning Department</p>	<p>Meeting Date 3/2/2021</p>	<p>Amendment Request Amend the Historic District Commission (HDC) sections of the Land Use Management Ordinance (LUMO) to improve HDC procedures and provide clarity to decisions of the HDC.</p>
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Staff Recommendation

Staff recommends that the Planning Commission review the proposed text amendments and forward a recommendation to the Town Council in time for the Council’s review at the March 24, 2021 Public Hearing.

<p>Process</p> <p>The LUMO requires the Planning Commission to make recommendations to the Town Council on the proposed text amendment. The Council will then hold a public hearing to consider the proposed amendments.</p>	<p>Decision Points & Background</p> <ul style="list-style-type: none"> • Changes in State Law now require “Design Guidelines” to be referred to as “Design Standards” • The current A through J criteria outlined in LUMO 3.6.2(e)(4) predates the adoption of the 2001 Design Guidelines. • The HDC and applicants have consistently expressed concern that the A through J criteria do not align with the Design Guidelines and should be revised or removed. • In 2019 the Planning Department committed to amending the A through J criteria following completion of the Design Standards project. • At the February 9, 2021, Historic District Commission (HDC) meeting, the Commission requested that the amendments to the LUMO utilize the language provided in the State’s Model Historic Preservation Ordinance (“Model Ordinance”).¹ Staff has reviewed the language and incorporated it into draft Ordinance A.
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Background

In 2017, the Town Council Committee on Boards and Commissions considered ways to improve the Certificate of Appropriateness (COA) process. The Committee developed a set of recommendations for Council consideration that included possible LUMO text amendments. (See [Town Council Meeting Materials – October 18, 2017](#)²)

From 2017 through 2019, the HDC worked with the Council Committee and Planning Department staff, advocating for LUMO text amendments that would better align the LUMO with the State Historic Preservation Office’s (SHPO) [model ordinance](#)³. On September 23, 2019, staff presented an analysis of recommendations from the HDC, Council Committee, and staff to the Council Committee, and the Council Committee made a recommendation at that time to move forward with seven text amendments. These were brought forward to Council on October 15, 2019 and included staff analysis of those text amendments that were requested by the HDC. (See [Staff Report and Exhibits dated 10.15.2019](#)⁴) The text amendments were adopted on November 20, 2019. (See [Staff Report and](#)

¹ <https://files.nc.gov/ncdcr/historic-preservation-office/CLG/ModelPreservationCommissionOrdinance.pdf>

² https://chapelhill.granicus.com/GeneratedAgendaViewer.php?view_id=21&clip_id=3313

³³ <https://files.nc.gov/ncdcr/historic-preservation-office/CLG/ModelPreservationCommissionOrdinance.pdf>

⁴ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4151867&GUID=0B8A9AF8-5AC9-4DB1-9581-4788EF63CFD9>

[Exhibits dated 11.20.2019](#)⁵). The understanding at that time was that additional changes to the LUMO would be made following completion of the Design Guidelines Rewrite Project.

The Design Guidelines Rewrite Project was initially anticipated to be completed in August 2020; however, due to the COVID-19 pandemic, the Town received an extension from SHPO to complete the project by February 15, 2021. The HDC will be considering adoption of the Design Principles and Standards at their March 18, 2021 meeting.

Text Amendment Overview

Legislative updates in Chapter 160D of the North Carolina General Statutes provide 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.” As part of the revisions to the 2001 Design Guidelines, staff has worked to adapt the Design Guidelines that comply with the Chapter 160D changes. Staff proposes amending the LUMO to refer to the Design Guidelines as “Design Principles and Standards.”

Text amendments to the A through J criteria are in response to a recommendation from the Council Committee on Boards and Commissions to improve HDC procedures and provide clarity to decisions of the HDC as well as the feedback staff has received from the HDC and community members. The text amendments would eliminate the A through J criteria and require HDC decisions to be based on the Design Standards.

The HDC recommended the text amendments reflect the language proposed in the SHPO’s model ordinance regarding applications and required procedures and staff has incorporated the language into the amendments to LUMO 3.6.2(e)(4).

Exhibits

1. Resolution A (Resolution of Consistency)
2. Ordinance A (Enactment of Land Use Management Text Amendment Proposal)
3. Resolution B (Deny Land Use Management Text Amendment Proposal)
4. HDC Recommendation to Town Council, 2.9.2021

⁵ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4244240&GUID=7CF6001D-D816-4A87-B7D2-6F8565313B64>