



# Land Use Management Ordinance Text Amendments: Historic District Commission Procedures

November 20, 2019

# RECOMMENDATION



## Staff recommends:

- Close the public hearing
- Adopt the Resolution of Consistency
- Enact Ordinance A

# 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**



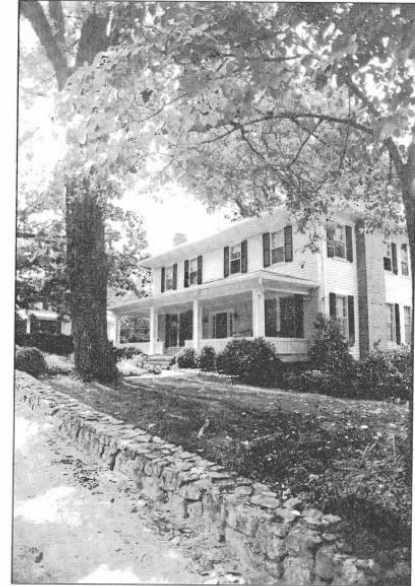
**Council  
Public  
Hearing  
10/30/19**



**Council  
Action  
11/20/19**

# Updates Since the Public Hearing

1. Additional text amendment to include a reference to the Design Guidelines
2. Town Attorney memo regarding historic district guidelines
3. Alternative Section 1 included (time period for action)



*Design Guidelines for the  
Chapel Hill Historic Districts*

# What's in your packet?

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



# 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. Tie Design Guidelines to the LUMO
5. Clarify review criteria and congruity standard
6. Clarify voting procedure
7. Require updated inventories

# 1. Reduce Time for Action on COAs

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

“(1) The town manager or the commission shall approve the application, approve the application with conditions, or deny the application for a certificate of appropriateness by the end of the next commission meeting following ninety days after the application is filed; provided, if timely action is not taken, and the time for taking action is not extended by the Commission **and consented to by written notice from the applicant**, the certificate of appropriateness shall be deemed to have been approved as submitted and shall be issued administratively...



# 1. Reduce Time for Action on COAs

...The Commission may extend the time for consideration and deliberation for a period or for periods up to a total of one hundred eighty days from the date of acceptance of the application as complete, where it finds such action to be necessary:

- a) Because of meeting cancellations or postponements, quorum shortages, or backlogs of pending applications with priority by filing date, or other practical considerations; or
- a) To receive additional information requested by the Commission, or to deliberate fully on memoranda submitted by one or more parties, or to seek resolution of outstanding questions, issues, or goals....

# 1. Reduce Time for Action on COAs

...Nothing herein shall prevent extensions by and with the consent of the Applicant. The time periods 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 or staff may take action on an application for a certificate of appropriateness 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. Reference the Design Guidelines

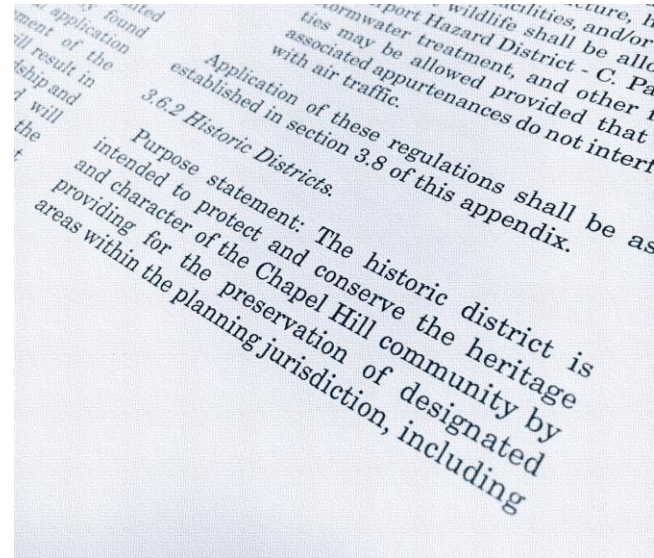
### **Section 3.6.2(e) Review criteria:**

“(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 Historic District Design Guidelines.”

# 5. 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.”



# 6. 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.”



# 7. 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.



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# HDC's Recommended Language for Time Period for Action

“The Commission shall take action on applications for certificates of appropriateness by the end of the next meeting following ninety days after the application is accepted as complete; provided, if timely action is not taken by the Commission, and the time for taking action is not extended by the Commission, the certificate of appropriateness shall be deemed to have been approved and shall be issued administratively. The Commission may extend the time for consideration and deliberation for a period or for periods up to a total of one hundred eighty days from the date of acceptance of the application as complete, where it finds such action to be necessary:

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