



**CONSIDER LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS – PROPOSED CHANGES TO SECTIONS 3.6.2 AND 8.4 RELATED TO HISTORIC DISTRICT COMMISSION PROCEDURES**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Director  
 Becky McDonnell, Planner II

AMENDMENT REQUEST	DATE	APPLICANT
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.	November 20, 2019	Planning Department

**TOWN MANAGER’S RECOMMENDATION**

I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the proposal, and therefore should close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A.

**UPDATES SINCE THE PUBLIC HEARING**

Based on discussion and feedback at the October 30, 2019 Public Hearing, an additional text amendment has been included to reference the Historic District Design Guidelines (see #4 in Text Amendment Overview, below). A memorandum from the Town Attorney regarding historic district guidelines is attached.

PROCESS	DECISION POINTS AND BACKGROUND
<p>The item before the Council proposes a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the <b>three findings</b> for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> <li>To correct a manifest error in the chapter; or</li> <li>Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>To achieve the purposes of the Comprehensive Plan.</li> </ol>	<ul style="list-style-type: none"> <li>On October 5, 2017, the Council Committee on Boards and Commissions considered several changes to the LUMO.</li> <li>In 2019, the HDC and Town Staff proposed additional amendments.</li> <li>Staff presented an analysis of all recommendations at the September 23, 2019 Council Committee on Boards and Commission meeting, and the Committee recommended moving forward with six text amendments.</li> <li>The Historic District Commission and the Planning Commission recommended that the Council enact the proposed amendments.</li> </ul>

**TEXT AMENDMENT OVERVIEW**

The Council Committee on Boards and Commissions recommended improving HDC procedures and providing clarity to decisions of the HDC. To move forward with the items below, the Council Committee considered the recommendations from the 2017 Council Committee, a memorandum to the Town Council from the HDC, staff analysis, public comment, and previous research conducted by the HDC and staff. These proposed text amendments would modify the HDC sections of the Land Use Management Ordinance, as follows:

- Reduce time for action on Certificates of Appropriateness (COAs) (3.6.2(d)(4))
- Clarify language for resubmittals of previously denied applications (3.6.2(d)(7))
- Provide an expiration for COAs (3.6.2(d)(8))
- Include a reference to the Design Guidelines (3.6.2(e)(1))
- Require findings of fact to reference evidence and clarify the congruity standard (3.6.2(e)(3))
- Clarify HDC voting procedures (8.4.9)
- Require updated inventories (8.4.10)

Specific language for each of the above amendments can be found in the attached summary.

ATTACHMENTS	
	<ol style="list-style-type: none"> <li>Text Amendment Summary</li> <li>Town Attorney Opinion Memorandum and Attachments</li> <li>Draft Staff Presentation</li> <li>Resolution of Consistency</li> <li>Ordinance A (Enactment of Land Use Management Text Amendment Proposal)</li> <li>Resolution B (Deny Land Use Management Text Amendment Proposal)</li> </ol>



---

## **SUMMARY: TEXT AMENDMENTS TO LAND USE MANAGEMENT ORDINANCE REGARDING HISTORIC DISTRICT COMMISSION PROCEDURES**

The following is a summary of the proposed text amendments to improve Historic District Commission procedures and provide clarity for decision-making.

**1. Reduce Time for Action on Certificates of Appropriateness (COAs) by revising Section 3.6.2(d)(4) Procedures for approval of certificates of appropriateness:**

The amendment requires that the HDC take action on an application within ninety (90) days, with opportunity for time extensions.

**2. Clarify language for resubmittal of COA applications by revising Section 3.6.2(d)(7) Procedures for approval of certificates of appropriateness:**

This amendment provides language for the town manager to accept a resubmitted application should he/she find that there has been a substantial change to the proposal with respect to the reasons for its denial.

**3. Add a provision for expiration of a COA by amending Section 3.6.2(d)(8) Procedures for approval of certificates of appropriateness:**

The current ordinance does not specify an expiration date for Certificates of Appropriateness (COA). This amendment specifies that the COA is valid for 365 days and provides standards for granting extensions, consistent with other development application approvals.

**4. Include reference to the Design Guidelines by amending Section 3.6.2(e)(1) Review criteria:**

This amendment clarifies that the Commission should consider the Design Guidelines in evaluating applications for certificates of appropriateness.<sup>1</sup>

**5. Clarify review criteria and congruity standards by revising Section 3.6.2(e)(3) Review criteria:**

This amendment details review criteria and congruity standards for the Commission to reference in its written decisions.

**6. Clarify voting procedures by revising Section 8.4.9 Quorum and voting:**

This amendment clarifies the minimum number of votes required to approve or deny an application for consistency with General Statutes.

**7. Require updated inventories by revising Section 8.4.10 Historical and Architectural Significance Maps:**

This amendment requires the Commission to maintain a historic resource inventory current to within twenty years. The inventory shall be made available to the public.

---

<sup>1</sup> This amendment was added after the October 30, 2019 Public Hearing.