



OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS - SECTIONS 3.6.2 AND 8.4 HISTORIC DISTRICT COMMISSION PROCEDURES

STAFF REPORT

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

<p>AMENDMENT REQUEST</p> <p>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>	<p>DATE</p> <p>October 30, 2019</p>	<p>APPLICANT</p> <p>Planning Department</p>
<p>STAFF RECOMMENDATION</p> <p>That the Council open the public hearing regarding the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to November 20, 2019.</p>		
<p>PROCESS</p> <p>The Council must consider whether one or more of the <i>three findings</i> for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> 1. To correct a manifest error in the chapter; or 2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or 3. To achieve the purposes of the Comprehensive Plan. 	<p>DECISION POINTS & BACKGROUND</p> <ul style="list-style-type: none"> • On October 5, 2017 the Council Committee on Boards and Commissions considered a number of changes to the LUMO related to the HDC. • In 2019, the HDC and Town Staff proposed additional amendments. • Staff presented an analysis of all recommendations at the September 23, 2019 Council Committee on Boards and Commissions meeting, and the Committee recommended moving forward with six text amendments. • The Historic District Commission and the Planning Commission both recommended that the Council adopt the proposed amendments. 	
<p>TEXT AMENDMENT OVERVIEW</p> <p>These text amendments 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. To move forward with the items below, the Council Committee took into consideration 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:</p> <ol style="list-style-type: none"> 1. Reduce time for action on Certificates of Appropriateness (COAs) (3.6.2(d)(4)) 2. Clarify language for resubmittals of previously denied applications (3.6.2(d)(7)) 3. Provide an expiration for COAs (3.6.2(d)(8)) 4. Require findings of fact to reference evidence and clarify the congruity standard (3.6.2(e)(3)) 5. Clarify HDC voting procedures (8.4.9) 6. Require updated inventories (8.4.10) <p>Specific language for each of the above amendments can be found in the attached summary.</p>		
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> 1. Text Amendment Summary 2. Draft Staff Presentation 3. Resolution of Consistency 4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal) 5. Resolution B (Deny Land Use Management Text Amendment Proposal) 6. Advisory Board Recommendations 	



PROPOSED CHANGES: 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. Clarify review criteria and congruity standard by revising Section 3.6.2(e)(3) Review criteria:

This amendment details review criteria and congruity standards for the Commission to reference in hearings.

5. 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.

6. 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.