



Land Use Management Ordinance Text Amendment Historic District Review Criteria & Historic District Commission

April 21, 2021

RECOMMENDATION

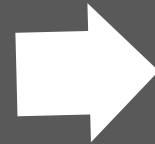
- Adopt the Resolution of Consistency (R-9)
- Enact Ordinance A (O-3)

Text Amendment Process

**Staff
Review**



**Planning
Comm.
Review
3/2/2021**



**Council
Public
Hearing
3/24/2021**



**Council
Action
4/21/2021**

Updates Since the Public Hearing

- Updated the reference to 160D, Article 9, Part 4
- Added that the HDC shall not consider paint color

What's in your packet?

- Staff Report
- Resolution A, Resolution of Consistency (R-9)
- Ordinance A, approving the amendment (O-3)
- Resolution B, denying the amendment (R-10)
- Historic District Commission Recommendation
- Planning Commission Recommendation

HDC Review Criteria Text Amendment

- Remove A through J review criteria and rely on the Design Principles & Standards
- Amend the language to more closely reflect the State Historic Preservation Office's Model Preservation Ordinance
- Replace "Design Guidelines" with "Design Principles & Standards" reflecting Chapter 160D of NC General Statutes

Changes to the General Statutes

Part 4. Historic Preservation.

§ 160D-947. Certificate of appropriateness required.

(c) Rules and Standards. - Prior to any action to enforce a landmark or historic district regulation, the commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and standards not inconsistent with this Part to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the preservation commission of detailed standards, for staff review and approval as an administrative decision of applications for a certificate of appropriateness for minor work or activity as defined by the regulation; provided, however, that no application for a certificate of appropriateness may be denied without formal action by the preservation commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406.

Proposed Changes to Section 3.6.2

Staff's Text Amendment Summary shows the edits made to the specific definitions.

3.6.2 Historic Districts.

(b) Certificate of appropriateness required

(4) A certificate of appropriateness application and amendments to a certificate of appropriateness application may be reviewed and approved by the town manager according to specific review criteria contained in state law and guidelines Design Principles and Standards approved by the commission when the application is determined to involve minor work. Minor works are defined as those exterior changes that do not involve any substantial alterations, and do not involve additions or removals that could impair the integrity of the property and/or the district as a whole. Such minor works shall be limited to those listed in the Commission's ~~Rules of Procedure~~ Design Principles and Standards, or a successor document. No application involving a minor work may be denied without the formal action of the commission. Ordinance requirements for notification of affected property owners must be met for all applications

Proposed Changes to Section 3.6.2

Staff's Text Amendment Summary shows the edits made to the specific definitions.

3.6.2 Historic Districts.

(e) Review criteria.

(1) When considering the application, the Commission shall apply the Design Principles and Standards and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with the Design Principles and Standards, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.

(3) The review shall not consider plantings and other vegetation.

(4) The review shall not consider paint color

Proposed Changes to Section 8.4

Staff's Text Amendment Summary shows the edits made to the specific definitions.

8.4.6. Powers of the Commission.

The commission is authorized and empowered to undertake actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this appendix and in Chapter ~~160A, Article 19, Part 3C~~ 160D, Article 9, Part 4 of the N.C. General Statutes, including but not limited to the following:

- (g) To establish ~~guidelines~~ principles and standards under which the town manager shall approve applications for certificates of appropriateness covering minor modifications on behalf of the commission;

RECOMMENDATION

- Adopt the Resolution of Consistency (R-9)
- Enact Ordinance A (O-3)

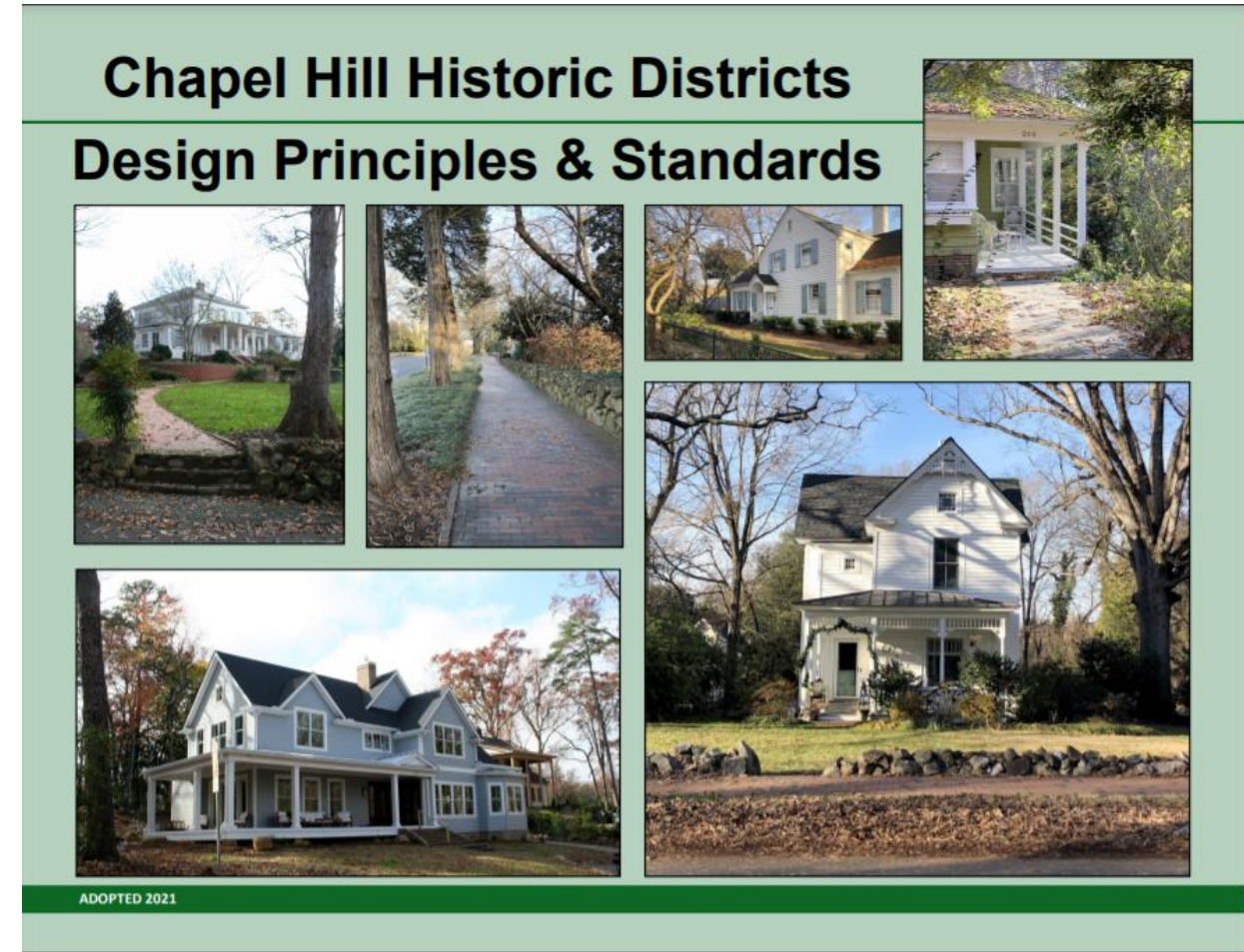
RECOMMENDATION

Text Amendment Background

- Legislative updates in Chapter 160D of NC General Statutes
- A through J review criteria predate the adoption of the 2001 Design Guidelines
- In 2019, Planning Department recommended amending the LUMO following adoption of the Design Principles & Standards
- HDC adopted the Design Principles & Standards on March 18, 2021

Design Guidelines vs. Design Standards

- 160D requires term “guidelines” be replaced with “standards”
 - Intent is to clarify that the design criteria outlined in local design documents are not suggestions but mandatory standards
 - COA decisions need to be based on design standards that guide the evaluation of whether changes are congruous with the special character of the historic districts



Role of the Design Principles & Standards

- HDC adopted the Design Principles & Standards on March 18th
- **Design Principle** – A fundamental and overarching concept that serves as a foundation for the Design Standards but is, in and of itself, not regulatory.
- **Design Standard** – A regulatory principle used by the Commission and Town Staff to evaluate COA applications and required compliance. Only standards that are applicable to a specific project will be used.

