



## Historic District Commission

### Regular Agenda – Text Amendments to Land Use Management Ordinance Section 3.6.2(e)

#### Summary Report

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Anya Grahn, Senior Planner

Judy Johnson, Assistant Planning Director

<b>Applicant</b> Town of Chapel Hill Planning Department	<b>Meeting Date</b> 10/12/2021	<b>Amendment Request</b> 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.
<b>Staff Recommendation</b>  Staff recommends that the HDC review the proposed text amendments and forward a recommendation to the Town Council in time for the Council’s review at the October 27, 2021 Public Hearing.		
<b>Process</b>  The LUMO requires the HDC and 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.	<b>Decision Points &amp; Background</b> <ul style="list-style-type: none"><li>• In 2019 the Planning Department committed to amending the A-J criteria following completion of the Design Standards project.</li><li>• In April 2021, the Town Council approved text amendments removing the A-J from LUMO 3.6.2.(e)(4) criteria and made additional updates to LUMO 3.6.2 Historic Districts to address changes to Chapter 160D of the North Carolina General Statutes.</li><li>• Additional language is required to ensure the Town’s preservation ordinance is consistent with North Carolina General Statute 160D-947(a).</li></ul>	
<b>Background</b>  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 Land Use Management Ordinance (LUMO) text amendments. (See <a href="#">Town Council Meeting Materials – October 18, 2017</a> <sup>1</sup> )  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 <a href="#">model ordinance</a> <sup>2</sup> . 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 <a href="#">Staff Report and Exhibits dated 10.15.2019</a> <sup>3</sup> ) The text amendments were adopted on November 20, 2019. (See <a href="#">Staff Report and Exhibits dated 11.20.2019</a> <sup>4</sup> ). The understanding at that time was that additional changes to the LUMO would be made following completion of the Design Guidelines Rewrite Project.		
<b>Text Amendment Overview</b>		

<sup>1</sup> [https://chapelhill.granicus.com/GeneratedAgendaViewer.php?view\\_id=21&clip\\_id=3313](https://chapelhill.granicus.com/GeneratedAgendaViewer.php?view_id=21&clip_id=3313)

<sup>22</sup> <https://files.nc.gov/ncdcr/historic-preservation-office/CLG/ModelPreservationCommissionOrdinance.pdf>

<sup>3</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4151867&GUID=0B8A9AF8-5AC9-4DB1-9581-4788EF63CFD9>

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

On [April 21, 2021](#)<sup>5</sup>, the Town Council approved text amendments to LUMO 3.6.2(e) that removed additional review criteria pertinent to the Historic District Commission's review of Certificate of Appropriateness (COA) applications. Staff proposes adding additional language to the LUMO so that this section better aligns with [GS 160D-947\(a\)](#)<sup>6</sup> by requiring that the Historic District Commission (HDC) find that COA applications are not incongruous with the special character of the historic district.

**Exhibits**

1. Text Amendment Summary
2. Resolution A (Resolution of Consistency)
3. Ordinance A (Enactment of Land Use Management Text Amendment Proposal)
4. Resolution B (Deny Land Use Management Text Amendment Proposal)

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<sup>5</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4916685&GUID=333205B7-F0B6-490D-AD90-260BDD05566B>

<sup>6</sup> [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_160D/GS\\_160D-947.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-947.pdf)



## PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3

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The following is a summary of the proposed text amendments to amend the LUMO to reflect the changing nature of the retail industry.

### 1. Section 3.6.2 Historic Districts

- Amend the text in Section 3.6.2(e) Historic Districts to align with the State Historic Preservation Office's Model Preservation Ordinance, specify that the Historic District Commission (HDC) does not have landscape authority, and eliminate the A through J review criteria:

(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~~ **incongruous with the special character of the historic district**, 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.

(2) The review shall not consider interior arrangement or use.

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

(4) The review shall not consider paint color.