



**PLANNING COMMISSION: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT -
SECTION 3.6.2(E) REGARDING HISTORIC DISTRICT COMMISSION REVIEW CRITERIA**

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Colleen Willger, Planning Director
Judy Johnson, Assistant Planning Director
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AMENDMENT REQUEST		DATE
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.		October 19, 2021
STAFF RECOMMENDATION		
Staff recommends that the Planning Commission 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.		
PROCESS	DECISION POINTS & BACKGROUND	
<p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings 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; or2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or3. To achieve the purposes of the Comprehensive Plan.	<ul style="list-style-type: none">• In 2019 the Planning Department committed to amending the A-J criteria following completion of the Design Standards project.• 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.• Additional language is required to ensure the Town’s preservation ordinance is consistent with North Carolina General Statute 160D-947(a).	
TEXT AMENDMENT OVERVIEW		
<p>On April 21, 2021¹, 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)² by requiring that the Historic District Commission (HDC) find that COA applications are not incongruous with the special character of the historic district.</p>		
ATTACHMENTS	<ol style="list-style-type: none">1. Text Amendment Summary2. 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)	

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4916685&GUID=333205B7-F0B6-490D-AD90-260BDD05566B>

² 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

The following is a summary of the proposed text amendments to amend the LUMO:

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.