



## Legislation Details (With Text)

**File #:** ID 19-0077    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Passed

**File created:** 1/23/2019    **In control:** City Council

**On agenda:** 2/19/2019    **Final action:** 2/19/2019

**Title:** Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) with Respect to Zoning, Planning and Development - Amending Section 30-4-12.4(G) Related to the Procedures for the Historic Preservation Commission (HPC)

**Sponsors:** Planning

**Indexes:**

**Code sections:**

**Attachments:** 1. DRAFT JAN 2018 Planning Board Minutes.pdf, 2. 19-0077 HPC ORD

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council	adopt	Pass

Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) with Respect to Zoning, Planning and Development - Amending Section 30-4-12.4(G) Related to the Procedures for the Historic Preservation Commission (HPC)

Department: Planning  
Council District: All

Public Hearing: Yes  
Advertising Date/By: January 31 and February 7, 2019 / City Clerk

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### PURPOSE:

The purpose of the text amendment is to revise the Land Development Ordinance (LDO) by amending Section 30-4-12.4(G) related to the procedures for the Historic Preservation Commission. The City Council is required to hold a public hearing on this amendment before considering its approval.

### BACKGROUND:

Currently the Historic Preservation Commission is required by ordinance to take action on applications for Certificates of Appropriateness (COA) within 60 days of receipt of the application. Otherwise the application is automatically approved. Section 160A-400.9 of the North Carolina General Statutes requires that COA applications be acted upon within a reasonable time, not to exceed 180 days from the date the application is filed, as defined by the local ordinance or the local commission's rules of procedure.

There are times when the 60 day time limit poses a dilemma for the commission, particularly because the Commission meets on the last Wednesday of the month resulting in 5 weeks between some meetings. Occasionally, during their review of an application, legitimate questions come up that cannot be answered at the

meeting. Depending upon the date of receipt of the COA application, this can put the Commission in the position of having to either approve or deny an application without having everything they need to make an informed decision, if the 60 day period would expire before the next scheduled meeting. Due to the 60 day deadline and lack of a quorum present for some regular meetings, the Commission has had to resort to calling special meetings on occasion to meet the demands of the ordinance as well as the timing needs of the applicant. Special meetings place additional burdens on the City, the applicants, and the Historic District Neighborhood Associations who regularly attend the meetings and comment on COA applications. Increasing the maximum time for approval of an application from 60 to 120 days would avoid this problem in the future, and is still shorter than the maximum amount of time allowed by State law.

The commission is sensitive to the needs of property owners and always takes action on COA applications in a timely manner. This amendment would only enhance the commission's ability to ensure that proposed changes meet the intent of the Historic District Guidelines.

**BUDGET IMPACT:**

There will be no impact on the current or future budgets.

**RECOMMENDATION / ACTION REQUESTED:**

The Planning Board recommended this amendment with revisions at its January meeting on a vote of 8-1. Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.