



## Legislation Details (With Text)

**File #:** ID 20-0722    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Passed  
**File created:** 10/1/2020    **In control:** City Council  
**On agenda:** 11/17/2020    **Final action:** 11/17/2020  
**Title:** Public Hearing for the Adoption of a Land Development Ordinance Amendment - Amending Sections 30-3-7.4(B), 30-4-1.6(B), 30-4-12.4(K), 30-3-16 and Table 3-1 of the Land Development Ordinance Regarding Appeals from the Historic Preservation Commission in Granting or Denying a Certificate of Appropriateness

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. HPC Appeals Chart.pdf, 2. HPC Amendment ad.pdf, 3. Zoning Commission Minutes.pdf, 4. 20-0722 ORD HPC LDO.pdf

Date	Ver.	Action By	Action	Result
11/17/2020	1	City Council	adopt	Pass

Public Hearing for the Adoption of a Land Development Ordinance Amendment - Amending Sections 30-3-7.4 (B), 30-4-1.6(B), 30-4-12.4(K), 30-3-16 and Table 3-1 of the Land Development Ordinance Regarding Appeals from the Historic Preservation Commission in Granting or Denying a Certificate of Appropriateness

Council Priority: Exceptional Customer Service and a Diverse City Government Workforce / Ensure Fiscal Stewardship, Transparency, & Accountability

Department: Planning

Council District: Districts #2 and #3

Public Hearing: Yes

Advertising Date/By: November 5 and November 12, 2020 / City Clerk

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**PURPOSE:**

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) so that appeals from the Historic Preservation Commission in granting or denying a Certificate of Appropriateness are to be appealed to the Superior Court of Guilford County instead of the Board of Adjustment. The City Council is required to hold a public hearing on this amendment before considering its approval.

**BACKGROUND:**

North Carolina General Assembly has adopted the new Chapter 160D of the North Carolina General Statutes in which Section 160D-947 allows for appeals from a historic preservation commission in granting or denying a certificate of appropriateness to be appealed to the board of adjustment in the nature of certiorari or to be appealed to the superior court as provided in North Carolina General Statutes Section 160D-1402.

The City's Historic Preservation Commission has discussed the benefits of the Superior Court determining appeals of certificate of appropriateness decisions and requested this change. Staff reviewed the proposed ordinance changes with the Board of Adjustment members and there were no objections or concerns with the change.

**BUDGET IMPACT:**

This item will have no budget impact.

**RECOMMENDATION / ACTION REQUESTED:**

On September 30, 2020, the City Historic Preservation Commission voted in support of this amendment to the Land Development Ordinance.

The Zoning Commission recommended these amendments at its October meeting on a vote of 9-0.

Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.