



Legislation Details (With Text)

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Title: Consider Text Amendment Amending Review Procedure for Work within the Historic District.

Sponsors:

Indexes:

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Attachments: 1. 1 - Draft Ordinance, 2. 2 - Hyperlink to 8.11.22 HPC Meeting, 3. 3 - Hyperlink to Previous Staff Reports

Date	Ver.	Action By	Action	Result
9/15/2022	1	Planning Commission	approve	Pass

Meeting Date: September 15, 2022

To: Members of the Planning Commission

From: Reeve Needham, Assistant City Planner

Consider Text Amendment Amending Review Procedure for Work within the Historic District.

Action Requested:
The Planning Commission is asked to make a motion recommending the proposed text amendment for the review procedure of work within the historic district.

Summary Report:
The Heritage Preservation Commission (HPC) is vested with the power to review and make decisions on Certificates of Appropriateness (COA) in the Downtown Historic District. Under current Land Development Code (LDC) regulation, a COA is required for “construction, exterior alteration or rehabilitation, moving, or demolition of a building or structure on a heritage preservation site” in the H-O District. The COA review follows a Type 3 Review Procedure with the HPC making the final decision.

This discussion began over ambiguity in the COA language with the goals to provide more clarity on COA review. Over the last several months, the HPC has discussed potential language changes with the Planning Commission (PC) and City Council (CC). Throughout the discussions and a closer examination of LDC language, the scope of proposed text amendments was widened.

The HPC has refined the changes over the past several months and is ready to forward the recommendation to the Planning Commission (PC). Below is the timeline of meetings where the HPC and PC have discussed revising the heritage preservation ordinance regulations.

- March 10, 2022 - HPC
- April 12, 2022 - CC and HPC joint work session

- April 14, 2022 - CC
- May 12, 2022 - HPC
- May 19, 2022 - PC
- June 15, 2022 - HPC and PC joint work session
- August 3, 2022 - HPC
- August 11, 2022 - HPC

Attached to this report are the past staff reports of the HPC, PC, and CC for further information on how the process has evolved. A text amendment follows the Type 4 Review Procedure, where the PC holds a public hearing and makes a recommendation to City Council, who makes the final decision.

Attached to this report is the draft ordinance. New language is shown underlined and deletions are shown with strikethrough. A summary of the proposed changes includes:

- Changing the appeals body on COA decisions from the Zoning Board of Appeals to the City Council
- Updating references from “State Historical Society” to “State Historic Preservation Office”
- Providing the opportunity for a heritage preservation site delisting or amendment
- Specifying that a COA is required on city-owned heritage preservation sites
- Requiring a COA for work on heritage preservation sites outside of the H-O District
- Creating a dual review process: “minor” work with administrative review by staff and “major” work with review by the HPC (current COA procedure)
- Adding exemptions to COA work for hazardous or substandard buildings, emergency repair, and work within the public rights-of-way
- Altering the review criteria for a COA
- Further specifying the process for the appeal of a COA

HPC Recommendation

The HPC reviewed the draft ordinance language on August 11, 2022. The HPC made two amendments: altering the wording under minor work to match that of previous drafts and specifying that in the case of major street work within the historic district, the HPC should be given the opportunity to provide input. The HPC voted in favor (4-0) of the draft ordinance language as amended. A hyperlink to the meeting video is attached and the draft language is attached.

Staff Recommendation

Staff recommend the proposed text amendment.

The PC is asked to make a motion recommending the proposed text amendment to City Council.

Alternative Options:

The PC can recommend other amendments to the proposed language.

Financial Impacts:

There are associated costs with text amendments.

Tentative Timelines:

- ✓ August 11, 2022: Heritage Preservation Commission Recommendation
- September 15, 2022: Public Hearing at Planning Commission
- October 4, 2022: First Reading at City Council

- October 18, 2022: Second Reading and Summary Publication at City Council
- October 26, 2022: Summary Publication in Newspaper
- November 25, 2022: Ordinance takes effect