TO: Mayor and Members of the City Council
FROM: Rich Olson, City Manager
Kellen Long, Planner II
DATE: February 22, 2019
REF: Call for a Public Hearing – Text Amendment to the UDO to reference the Local Historic District and Landmark Design Guidelines

BACKGROUND:
On October 22, 2018, the City Council approved the adoption of the Local Historic District and Landmark Design Guidelines as City policy. These guidelines will be the primary historic preservation policy document for the City. While designed to promote and encourage historic preservation within the City’s local historic districts, this document is first and foremost a regulatory document which details the legal regulations for all exterior work on sites and structures within the City’s local historic districts. Furthermore, the document serves to educate property owners on proper maintenance and repair techniques to avoid unnecessarily replacing or damaging historic materials.

The newly adopted guidelines were presented to the public by the Community Development Director, Matt Schelly in December for input and questions. On February 7th, the Planning Commission recommended approval by the City Council for a text amendment in the UDO to reference the Local Historic District and Landmark Design Guidelines.

ANALYSIS:
Currently, Chapter 12, section 8.2 refers to the standards and procedures delineated in the historic district pamphlet entitled The Elizabeth City Historic Preservation Commission and Certificates of Appropriateness.

If a text amendment is approved, the text would change to The Local Historic District and Landmark Design Guidelines shall be used to guide the decisions of the Historic Preservation Commission in its deliberations.

The Local Historic District and Landmark Guidelines will provide much more guidance not only to homeowners, but also to the Historic Preservation Commission when determining if exterior changes to historic structures are appropriate. Currently, staff references The National Park Standards (NPS) in regard to recommendations to the
Commission on proposed exterior changes. By providing the Commission with guidelines, this will create a consistent decision making process that will leave less to personal interpretation. In addition, by incorporating the Guidelines into the UDO, it would require the HPC to base their deliberations and the resulting decisions on the Guidelines, thereby protecting the HPC, the City, and the public from unpredictable and unfounded decisions. This would thereby avoid some appeals, lawsuits against the City, and provide legal strength to the HPC’s decisions.

**STAFF RECOMMENDATION:**

By motion, call for a public hearing to be held on March 11, 2019, directly following the public comment period, for consideration to approve the text amendment to the UDO to reference the Local Historic District and Landmark Design Guidelines.
REQUEST:
Text Amendment TA 03-18 filed by the City of Elizabeth City to amend the City Code Chapter 159, the Unified Development Ordinance; replacing language referencing the Historic Preservation Commission and Certificates of Appropriateness pamphlet with language referencing the recently adopted Local Historic District and Landmark Design Guidelines.

The text amendment would incorporate the Guidelines, by reference, into the Unified Development Ordinance by replacing the following Subsection 12-8.2:

(D) The standards and procedures delineated in the historic district pamphlet entitled The Elizabeth City Historic Preservation Commission and Certificates of Appropriateness shall be followed.

with this text:

(D) The Local Historic District and Landmark Design Guidelines shall be used to guide the decisions of the Historic Preservation Commission in its deliberations.

BACKGROUND:
Over the past couple years, Elizabeth City has seen a revived interest in historic preservation, particularly within the downtown district. To build upon and foster this momentum, The City of Elizabeth City Local Historic District and Landmark Design Guidelines (Guidelines) were crafted, not only to meet the requirements of the state statues, but also to provide a certain level of consistency in the process and set realistic expectations for existing property owners as well as potential property owners looking to invest within the historic district.

Historic district designation is a way of recognizing historic and/or architecturally significant neighborhoods or landmarks. To that end, the Downtown and West Main Street Historic Districts were established for the purposes of protecting and conserving the heritage of Elizabeth City. The Elizabeth City Historic Preservation Commission (HPC) was formed in 2008, by authority of the City Council, to protect historic character and to approve changes to ensure they respect the special character of the districts.

In October 2018, the City Council adopted the design guidelines as official policy of the City and they are now the primary historic preservation policy document for the City.

While designed to promote and encourage historic preservation within the City’s local historic districts, this document provides more detailed guidance to the legal regulations for all exterior work on sites and structures within the City’s local historic districts. Furthermore, the document serves to educate property owners on proper
maintenance and repair techniques to avoid unnecessarily replacing or damaging historic materials.

The Guidelines are not a simple list of requirements. The Guidelines start with a short explanation that the Guidelines can and should be used by the public, the HPC, and City staff in order to know what changes should be allowed and what changes should not.

Then, the Guidelines provide a background that describes the history and special character of Elizabeth City in order better understand Elizabeth City and why it is the way it is and what is valuable about it, which puts context to the specific guidelines. It explains why the guidelines are the way they are.

The individual guidelines are organized into a very thorough series of subject areas ranging from site features like fences, landscaping, and public art to building features like roofs, materials, new construction, and demolition.

Finally, a series of appendices provide additional helpful information about another range of topics including: the HPC, the approval process, the National Historic Preservation Act, the State Historic Preservation Office (SHPO), NC Historic Preservation legislation, and the US Secretary of Interior Standards.

The Guidelines have been reviewed by the SHPO, a professor at Virginia Tech, the HPC, and City Staff. The Guidelines were revised according to the comments of each of these.

ANALYSIS:
The text amendment would incorporate the Guidelines, by reference, into the Unified Development Ordinance by replacing Subsection 12-8.2.

By incorporating the Guidelines into the UDO, it would require the HPC to base their deliberations and the resulting decisions on the Guidelines, thereby protecting the HPC, the City, and the public from unpredictable and unfounded decisions. This would thereby avoid some appeals, lawsuits against the City, and provide legal strength to the HPC’s decisions.

TEXT AMENDMENT:
Underlined, italicized, and bold = new language to be added. Strikethrough = language to be deleted.

12-8 HISTORIC DISTRICT OVERLAY REQUIREMENTS

12-8.2 Standards
(D) The standards and procedures delineated in the historic district pamphlet entitled The Elizabeth City Historic Preservation Commission and Certificates of Appropriateness shall be followed. The Local Historic District and Landmark Design Guidelines shall be used to guide the decisions of the Historic Preservation Commission in its deliberations.

STAFF RECOMMENDATION:
Staff recommends APPROVAL of the proposed text amendment TA 03-18, as drafted.