



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Historic Preservation Commission
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Date: June 10, 2021
Subject: **Discuss Revisions to the Historic District Guidelines**

Overview and Objective:

Staff and the Historic Preservation Commission (HPC) will discuss required and potential revisions to the Village's Local Historic District Guidelines (Guidelines). Topics to discuss include but may not be limited to, bringing the document into compliance with North Carolina General Statute (NCGS) Chapter 160D, review process/procedures, allowed materials and design standards. Periodic review and subsequent updates to the document allow for the overall document to be improved in guiding the Commission and staff in determining congruity with the special character of the district for new construction, alterations, additions, moving, and demolitions.

Staff has identified specific areas or topics to review and discuss with the Commission and include:

1. Changes to conform to NCGS Chapter 160D
2. Minor Work and Major Work
3. Materials
4. Fences and Walls
5. Commercial New Construction
6. Glossary

1. Changes to conform to NCGS Chapter 160D

The principal change and impact with Chapter 160D was to consolidate municipal and county enabling statutes for land development regulation in North Carolina. A more uniform organization of the statutes with clearer procedures and definitions were also major updates. The main impact of this is to change from Historic “Guidelines” to Historic “Standards”(e.g. Village of Pinehurst Historic District Standards).

§ 160D-947. Certificate of appropriateness required

(c) Rules and Standards. - Prior to any action to enforce a landmark or historic district regulation, the commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and standards not inconsistent with this Part to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the preservation commission of detailed standards, for staff review and approval as an administrative decision of applications for a certificate of appropriateness for minor work or activity as defined by the regulation; provided, however, that no application for a certificate of appropriateness may be denied without formal action by the preservation commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406.

These “standards” are set to be the tool or guide that preservation commissions use in determining congruity with the special character and issuing certificates of appropriateness’ (COA). This could also be a good time to consider the current recommendations and requirements (ex. should/shall language). Further, there are several mentions in the current document that changes “must be congruous with...” As mentioned above, this document is the tool to determine congruity. Simply stating that changes must be congruous is redundant and does not help the HPC in coming to a determination on congruity. Staff recommends further discussion with the HPC on these items.

2. Minor Work and Major Work

Staff not only serves as a liaison to the HPC but is also inherently a member. Staff is permitted by statute, and within the Guidelines, to approve Minor Work COAs. Any review and approval by staff of a Minor Work is an administrative decision based on a determination and application of the objective standards contained in the Guidelines. Clear and objective standards can easily be administered at the staff level as Minor Work. Additionally, staff has the ability to elevate Minor Works to Major if there is any doubt on application of a particular standard.

Since adoption of the updated Historic Guidelines in May 2019, there has been an increase in Major Work going before the HPC versus being able to be approved at the staff level as a Minor Work. See attached table showing COA’s activity between 2013-2020 showing increased Major Work activity.

Some examples include changes in materials, replacing windows and doors, eliminating windows and doors, in-ground swimming pools and accessory structures.

Changes in Materials

An example of such would be a proposal to change the siding material on an existing structure from vinyl (which is not an allowed siding material in the guidelines) to a composite material that better meets the guidelines. Another example is changing windows from one material to another when the proposed material change meets the guidelines as an approved material. The same could be said from changing

window, door, roofing and other materials. If the proposed change clearly meets the standard as an approved material and color, it could easily be reviewed as a Minor Work item by staff.
(see more under materials below)

Windows and Doors

There have also been proposals where windows and/or doors are to be removed or added. This has occurred as a change to a previously approved COA and as a standalone request. Staff would recommend the HPC discussing and considering language that would permit such changes as long as the style, material, size, orientation, etc. match that existing or previously approved. An optional, additional criteria would be to allow such as a Minor Work item as well that would only be on a non street-facing elevation.

In-Ground Swimming Pools

There have been many proposals for in-ground swimming pools which are currently listed as Major Work. In considering in-ground swimming pools, there is no real discernable congruity test other than the location and visibility. Potential options could be to allow in-ground pools that are located in the rear yard and not visible from the street and considering maximum dimensions.

Accessory Structures

Currently, staff can only review accessory structures with no dimension greater than 12 feet. It is important to note that there are many zoning regulations in the Pinehurst Development Ordinance (PDO) that limit the size, number and location of accessory structures. Such structures must be located in the side and rear yard only, meet the applicable setbacks and maximum impervious surface and cannot be larger (sum if there are multiple) than 30% of the principal dwelling. There have been a few cases where small accessory structures have had to be reviewed as Major Work when even though they were greater than 12 feet in any one dimension but were still quite small, located in the rear yard and not visible. Staff proposes the HPC discuss and consider allowing the opportunity for larger accessory structures that are located in the rear yard and not visible as a Minor Work item.

3. Materials

This area could also be inclusive of the previous topic. There are currently many types of alternative or composite materials that clearly mimic the detail and looks of wood. Previously, fiber cement siding was one of if not the only such material on the market. Now there are many types of composite materials that are engineered wood products. Staff suggests discussing revisions that would allow replacing existing wood or other materials to a composite or alternative material that mimics the original in width, depth, dimension, texture and profile for example. An option could be to include a standard to allow such replacement if there is no discernable impact from the adjacent right-of-way.

Another area of discussion is replacement of materials that may currently be identified as “not compatible” to that of “compatible” material, which are required to be reviewed as Major Work. If a project involves replacing exterior materials with compatible materials, staff believes this can be Minor Work.

4. Fencing

The fence and wall section can be confusing for folks to read and follow. There are opportunities to be more clear, concise and to the point. Also, there have been many requests which include a six foot tall side yard fence. Many, if not, all have been approved. There are also many existing six foot tall side yard fences in the historic district. The test for congruity is within the entire district. Therefore, staff recommends the HPC discussing the potential to revise the standard on side yard fence height. One option

to consider is to allow for taller side yard fences but require they be setback from the front corner of the structure and/or be landscaping from street facing views.

There is also no differentiation between residential and commercial fencing. Staff recommends different standards be discussed and considered for the two different uses.

5. Commercial New Construction

Staff believes that this section could be strengthened.

6. Glossary

While reviewing the document, it would be a good idea to review the glossary of terms and definitions as well. This can provide an opportunity to better define and bring some consistency.

[illegible]

