

CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

## MEMORANDUM



**Date:** October 26, 2009

**To:** Michael M. Ruffin, County Manager

**Through:** Steven L. Medlin, AICP, City-County Planning Director

**From:** Lisa Miller, Planner and Julia Mullen, Planner

**Subject:** Text Amendment to the Unified Development Ordinance (UDO) –  
Historic Landmark Criteria (TC0900006)

**Summary.** This text amendment would revise the criteria for designation of a Historic Landmark. The current *Unified Development Ordinance* criteria are vague and subjective, and have not been uniformly applied in the past. The Historic Preservation Commission (HPC) and staff have worked together to develop draft language for a text amendment to clarify and improve the designation criteria.

**Recommendation.** The Planning Department is recommending approval.

The Planning Commission held a public hearing on this proposed text amendment on August 11, 2009, and recommended approval by a vote of 12-0. The City Council considered this item on October 19, 2009, and staff will report on their actions during this public hearing.

**Background.** At the end of 2008, staff advised the Joint City-County Planning Committee (JCCPC) of deficiencies in the processing of past Historic Landmark applications and proposed plans to address those issues. A major concern identified was the lack of clarity in the UDO criteria for landmark designation. The HPC developed a temporary policy in February of this year for applying the UDO criteria to ensure that the public was given clarity on the criteria for processing the 2009 applications. That policy was intended to serve as an interim measure until the UDO criteria could be assessed more fully, and a text amendment adopted. Staff then worked with the HPC to create a proposed text amendment that addresses the concerns raised last year. The proposal draws directly from the temporary policy that the HPC adopted. At its June 3, 2009 meeting, the JCCPC voted unanimously to initiate the text amendment. Formatting changes suggested by the JCCPC were incorporated into the draft text. The Planning Commission held a public hearing on this item on August 11, 2009, and voted unanimously to recommend approval.

**Issues.** The draft text amendment takes into account several concerns raised in the assessment of the landmarks process. First, to lend clarity to the criteria, the standards for individual listing on the National Register (previously alluded to in the UDO criteria) are incorporated into the text at Sec. 3.17.4A.1b.3. Second, in response to a

desire to emphasize the importance of local significance, the National Register criteria language was modified at Sec. 3.17.4A.1b.3 to include explicit references to local Durham significance. Third, language has been included at Sec. 3.17.4A.1c to address the concern from JCCPC that properties designated as landmarks should be distinct from the general historic fabric of Durham. In addition, the HPC plans to keep the remaining parts of the policy (Attachment C) in effect, to provide clarity on special situations and definitions of terms included in the UDO criteria.

**Alternatives.** The County Board of Commissioners may approve the amendment, deny the amendment, or direct modifications of the language.

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Attachments: Attachment A - Mark-up Copy of Proposed Ordinance  
Attachment B - Clean Copy of Proposed Ordinance  
Attachment C - HPC Policy for Applying Local Historic Landmark  
Criteria  
Attachment D - Planning Commission Written Comments

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