



MEMORANDUM

TO: MEMBERS OF THE HISTORIC ZONING COMMISSION

FROM: DOUGLAS BERRY, CITY ATTORNEY

DATE: JULY 11, 2022

RE: PROPOSED AMENDMENTS TO THE CONSERVATION OVERLAY INTERIM DESIGN GUIDELINES; ADOPTION OF RULES OF PROCEDURE.

The purpose of this Memorandum is (1) to bring back to the Historic Zoning Commission (“HZC”) for formal review and recommendation the proposed changes to the Interim Guidelines (“Guidelines”) that were raised at the retreat in March of this year; (2) to consider adopting more formal by-laws or rules of procedure for HZC meetings. Final adoption of amendments to the Guidelines will require notice and a separate public hearing.

AMENDMENTS TO GUIDELINES

Property of Significance (page 4 of Guidelines)

The suggestion was to make the criteria for recognition of a “property of significance” more flexible, by changing the word “and” to “or” between some or all of the sub-paragraphs. This recommended change is consistent in my opinion with the state enabling legislation. I also think it is a little repetitious and that some provisions are duplicative. We may want to consult with Phil Thomason and see whether he had specific reasons for wording this section as he did.

Delete the phrase “In most cases” at the beginning of the final paragraph of this section (page 5) (“In most cases, the HZC discourages the demolition of a property of convenience. . .”)

Property of Conservation (page 5 of Guidelines)

Change “and” to “or” between subsections.

Delete “in most cases” in first sentence of second paragraph.

How the Certificate of Appropriateness Process Works

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Step Three—Submit the CoA Application and Meet with City Staff

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Staff Review (page 8)

Concerns were raised about deferral, approval with conditions, resubmission, and the option of the applicant’s “working with the HZC and Staff to amend a project so that it meets the design guidelines.”

My recommendation is to delete all of the material beginning with the second full paragraph (“If the work requires review by the HZC. . .”) until the end of this subsection and include in the bylaws or rules of procedure, where it more properly belongs.

Rules of Procedure

See attached.