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Chapel Hill, NC 27517

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FIRM: C-347

Supplement to my PETITION of April 20, 2021

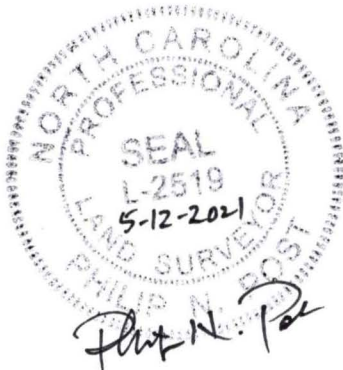
TO:	Mayor and Members of Town Council- Town of Chapel Hill
FROM:	Philip Post, PE, PLS
DATE:	May 12, 2021
RE:	Request for Change to LUMO to Conform to 160D-8-2(a)

On April 21, 2021 I presented a Petition to Council asking that LUMO be changed to comply with 160D-8-2(a). Council referred the matter to Staff.

Shortly thereafter, I met with Alisa Duffey Rogers and I am encouraged to learn that Staff agrees it is appropriate to evaluate the subdivision language in LUMO because the LUMO language is different than as mandated in 160 D.

Because other changes to 160D were reviewed by the Planning Commission, I respectfully request that my April 20 Petition be referred to the Planning Commission for a recommendation back to Council in the Fall of 2021.

I respectfully request that the Town bring LUMO into conformance with the letter and spirit and intent of 160D, and I look forward to your continued review of this matter in order to effect the necessary changes to LUMO.



FIRM: C-347

PETITION

TO:	Mayor and Members of Town Council- Town of Chapel Hill
FROM:	Philip Post, PE, PLS
DATE:	April 20, 2021
RE:	Request for Change to LUMO to Conform to 160D-8-2(a)

160D-8-2(a) specifies that subdivision regulations ‘apply to divisions of a "tract or parcel of land"’. 160D-8-2(a)(4) goes on to exempt the division of “a tract less than 2 acres... “from subdivision regulation”. It is, therefore, perfectly evident that a "tract" and "parcel" are synonymous terms for the purposes of subdivision regulation in NC.

LUMO defines a subdivision in 4.6.1 as a division of a "tract or zoning lot". I request that 4.6.1 define a “subdivision” exactly as it is defined in State law, as a "tract or parcel". When this is done, there will be no need to refer to a "zoning lot" within the Subdivision portion (4.6.1) of LUMO and the term "zoning lot" would be removed from 4.6.1, and the definition of a "tract" or parcel in LUMO would also conform to State Law.

The definition of a “parcel” in LUMO should conform to State Law as required by GS 47-30(f)(11)c.1 and GS 47-30(g)c.1.

By changing 4.6.1 to conform to 160D and by changing the definition of a parcel(tract) to conform with GS47-30, will enable LUMO to make clear the State-mandated legal right for exempt divisions under 160D-8-2(a) (4). In Chapel Hill today , because of the use of the term "zoning lot" and the erroneous definition of a "tract", the Town does not allow an exempt division as mandated by 160D-8-2(a) (4).

I respectfully request that the Town Manager and Town Attorney be asked to bring LUMO into conformance with the letter and spirit and intent of 160D.

