

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.

