

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE SECTION 3.6.2 HISTORIC DISTRICTS RELATED TO REVIEW CRITERIA FOR A CERTIFICATE OF APPROPRIATENESS APPLICATION (2021-11-17/R-8)

WHEREAS Chapter 160D of the North Carolina General Statutes provides that the Historic District Commission shall “adopt principles and standards ... to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition;” and

WHEREAS, on September 23, 2019, Planning Department staff provided a recommendation to the Council Committee on Boards & Commission to amend the LUMO following the adoption of the Design Principles and Standards to provide greater clarity on the legal basis for application of the Design Principles and Standards in the Commission’s review of Certificate of Appropriateness (COA) applications; and

WHEREAS, the Historic District Commission adopted the Design Principles & Standards on March 18, 2021; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications and reflect legislative updates in Chapter 160D of the North Carolina General Statutes and from Sec. 947(a), which requires the Commission to apply the adopted Design Standards to determine whether proposed changes are incongruous with the special character of the Town’s local historic district; and

WHEREAS, the text amendments approved on April 21, 2021, removed additional review criteria pertinent to the Historic District Commission’s review of Certificate of Appropriateness (COA) applications; and

WHEREAS, additional LUMO language is now required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statute 160D-947(a) requires that the historic district Commission (HDC) find that COA applications are not incongruous with the special character of the historic district; and

WHEREAS, the Historic District Commission reviewed the text amendment to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021, and recommended that the Council enact the text amendment; and

WHEREAS, the Planning Commission reviewed the text amendment to Land Use Management Ordinance Article 3, Section 3.6.2 on October 19, 2021, and recommended that the Council enact the text amendment; and

WHEREAS, the Council called a legislative hearing on October 27, 2021, to amend Article 3, Sections 3.6.2 of the Land Use Management Ordinance as it relates to the Historic District Commission’s Review Criteria applied to Certificates of Appropriateness applications; and

WHEREAS, the Council continued and held that legislative hearing on October 27, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposed Land Use Management Text Amendments finding it to be unreasonable, not in the public interest, and inconsistent with the Town's Comprehensive Plan.

This the 17th day of November, 2021.