

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 CERTIFICATE OF APPROPRIATENESS REQUIRED AND REVIEW CRITERIA (2021-X-X/R-#)

WHEREAS, Legislative updates in Chapter 160D of the North Carolina General Statutes provide 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 the A through J criteria do not reflect the guidance provided in this document; and

WHEREAS, on April 21, 2021 the Town Council approved amendments to the LUMO to reflect legislative updates in Chapter 160D of the North Carolina General Statutes and remove the A through J criteria used by the Historic District Commission in their review of Certificate of Appropriateness (COA) applications; 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 additional language is required to clarify the Historic District Commission’s review process; and

WHEREAS, North Carolina General Statutes 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 amendments to the Land Use Management Ordinance Article 3, Section 3.6.2 on October 12, 2021 and recommended that the Council enact/deny the text amendments; and

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

WHEREAS, the Council called a Public 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 application; and

WHEREAS, the Council held that public hearing on October 27, 2021; and

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

This the ____ day of _____, 2021.