

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Gene Poveromo, Development Manager
Rae Buckley, Housing and Neighborhood Services Senior Planner

SUBJECT: Reschedule Public Hearing for Pending Text Amendment to the Land Use Management Ordinance Regarding Demolition of Historic Structures to May 17, 2010

DATE: January 11, 2010

PURPOSE

The purpose of this memorandum is to propose an adjustment to the public hearing schedule for a proposed text amendment to the Land Use Management Ordinance regarding demolition of historic structures. The attached resolution would change the public hearing date from January 20, 2010 to May 17, 2010.

The proposed text amendment is intended to establish greater protection against the demolition of historic structures, which was identified as a Council Goal at the February, 2009 Council Planning Retreat.

BACKGROUND

On July 10, 2008 the North Carolina General Assembly ratified Session Law 2008-75 (HB 2579) authorizing the Town of Chapel Hill to adopt ordinances regulating the demolition of historic structures.

On December 8, 2008 the Council adopted a public hearing schedule for a proposed Land Use Management Ordinance text amendment that would prohibit the Town from accepting a development application for any property on which a historic structure has been demolished within the immediately preceding forty-eight (48) months.

This text amendment is identified as one of the Council goals from the 2009 Council Planning Retreat. Because of staff workload adjustments and the need for further discussion about the proposed text amendment at the advisory board level, the Council has approved delays of the public hearing for the proposed text amendment. The public hearing date is currently scheduled for January 20, 2010.

DISCUSSION

Issue: The proposed text amendment regarding the demolition of historic structures was first presented to the Historic District Commission on March 12, 2009 and the Planning Board on March 17, 2009. Since that time, we have been working with the Historic District Commission to determine which structures, properties, inventories, and districts would be subject to the regulations of the proposed text amendment.

The General Assembly HB 2579 includes a definition of a “historic structure” that could be used to determine which structures would be subject to the regulations of the proposed text amendment. However, we are concerned that the definition could be open to interpretation and lead to enforcement problems.

Proposed Solution: To resolve this issue, the Historic District Commission requested that the staff pull together an inventory of historic structures based on existing documentation. The purpose of such an inventory would be to provide a list of individually listed structures to which the proposed regulations would apply instead of using a definition of a “historic structure” that could be open to interpretation.

The Historic District Commission requested the staff to assemble a draft inventory from the individually listed historic structures that are identified in the various lists, maps, and supporting documents for the Town’s local Historic and National Register Districts, as well as the structures that are identified in “Town and Gown Architecture of Chapel Hill, North Carolina, 1795-1975,” by Ruth Little, and the inventory of historic structures obtained from the State Historic Preservation Office.

SCHEDULE

On November 12, 2009, we presented the Historic District Commission with a schedule for the development of the proposed text amendment and draft inventory. Below, please find the schedule endorsed by the Historic District Commission that would put the Council in a position to consider action on the proposed text amendment and draft inventory in June, 2010.

Date	Meeting Type/Event	Purpose
January 14, 2010	Historic District Commission	Receive draft historic structure inventory and endorse a public information process
Week of January 25, 2010	Public Notice Mailing	Notification to all affected property owners
February and March, 2010	Historic District Commission	Public information meeting(s)
April 8, 2010	Historic District Commission	Develop final Council recommendation
April 20, 2010	Planning Board	Develop final Council recommendation
May 17, 2010	Town Council	Public Hearing
June 16, 2010	Town Council	Council action

RECOMMENDATION

In accordance with the Historic District Commission schedule presented above, we recommend that the Council adopt the attached resolution which would schedule a public hearing for May 17, 2010 to consider a Land Use Management Ordinance text amendment to regulate the demolition of historic structures.