

**ORDINANCE A**

**(Enacting the Land Use Management Ordinance Text Amendment proposal)**

**AN ORDINANCE AMENDING SECTIONS 4.4 ZONING AMENDMENTS, 4.5 SPECIAL USE PERMITS, 4.7 SITE PLAN REVIEW, AND 4.8 MASTER LAND USE PLAN RELATED TO TIME EXTENSION PERIODS GRANTED BY THE TOWN MANAGER (2021-10-27/O-7)**

WHEREAS, the Town Manager currently has the authority to extend time periods for up to twelve (12) months for zonings, Special Use Permits, Site Plan Reviews, and Master Land Use Plan approvals; and

WHEREAS, development projects often take considerable time to secure financing and to prepare final construction plans; and

WHEREAS, removing the limitation of the number of time extensions that the Town Manager may grant may reduce the number of items for Council review; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Sections 4.4, 4.5, 4.7 and 4.8 on September 7, 2021 and recommended that the Council enact the text amendments with modification; and

WHEREAS, the Council called a Legislative Hearing to amend Sections 4.4, 4.5, 4.7 and 4.8 of the Land Use Management Ordinance as it relates to Town Manager granting of time extensions for the Council's September 22, 2021 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Sections 4.4, 4.5, 4.7 and 4.8, related to the Town Manager time extension, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurture our Community.5)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Develop Good Places New Spaces.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 Comprehensive Plan (Develop Good Places New Spaces.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Article 4. Procedures be amended as follows:

**Section 1.** Section 4.4.5 Procedures – All Other Conditional Zoning District Rezoning, subsection (f) Expiration of conditional zoning district rezoning approval is hereby revised to read as follows:

"(1) Starting time limit. If a final plans zoning compliance permit application is not filed with the town manager within twenty-four (24) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and the conditional zoning district shall be void and the property shall revert to its previous zoning classification. At any time within the twenty-four months from the date of approval, the town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may grant one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require council re-approval in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5. All further requests for extension of time shall be reviewed in accordance with the procedures set forth in subsections 4.4.1 and 4.4.5.

(2) Completion time limit, if applicable. If all construction and actions authorized or required by the approval of the conditional zoning district and accompanying district-specific plans are not completed by the completion date stated in the approval or modification, the zoning compliance permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single~~ an extension of the time limit for up to twelve (12) months if the town manager determines that:

- A. The zoning compliance permit holder submitted the request within sixty (60) days of the specified completion date specified in the approval or modification;
- B. The zoning compliance permit holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development."

Under the standards required by (f)(2)(A) through (f)(2)(C), above, the town manager may approve one additional extension of the completion time limit for up to twelve (12) months. If all construction and actions authorized or required are still not completed by the final extended completion date granted by the town manager, the permit holder may, within sixty (60) days of the revised completion date, request additional extensions of the completion time limit from the town council. The town council may grant extensions of the time limit if it makes the determinations required by (f)(2)(A) through (f)(2)(C), above.

**Section 2.** Section 4.5.5 (b) and (c) Expiration and Revocation of Special Use Permit Approvals is hereby revised to read as follows:

"(b) *Starting time limit.* If the use, construction, or activity authorized by town council approval of an application for a special use permit or modification of special use permit is not substantially commenced within twenty-four (24) months of the date of approval or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager shall determine whether the use, construction, or activity has substantially commenced. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require the application to be reviewed in accordance with the procedures set forth in subsection 4.5.3. All further

requests for extension of time shall be reviewed in accordance with the procedures set forth in subsection 4.5.3.

*(c) Completion time limit.*

(1) If all construction and actions authorized or required by a special use permit or modification of special use permit are not completed by the completion date stipulated in the permit or modification, the permit holder may request an extension of the completion time limit from the town manager. The town manager may grant ~~a single~~ an extension of the time limit for up to twelve (12) months if he/she determines that:

- A. The permit holder submitted the request within sixty (60) days of the completion date;
- B. The permit holder has proceeded with due diligence and good faith; and
- C. Conditions have not changed so substantially as to warrant town council reconsideration of the approved development."

**Section 3.** Section 4.7.6 Expiration of Site Plan Review Approval is hereby revised to read as follows:

*"(a) Starting time limit.*

If the use, construction, or activity authorized by approval of an application for a zoning compliance permit or modification of zoning compliance permit is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall expire and any town permit issued pursuant to the approval shall be void. The town manager may grant ~~a single~~ an extension of the starting time limit for up to twelve (12) months. At any time within the initial period of extension, the town manager may approve one additional extension of the starting time limit for up to twelve (12) months. With respect to either request for extension, for paramount considerations of health, the general welfare, or public safety, the town manager may instead require planning commission re-approval. The town manager shall determine whether the use, construction, or activity has started."

**Section 4.** Section 4.8.3 (j). Expiration of master land use plan approval is hereby revised to read as follows:

*"(j) Expiration of master land use plan approval.*

If an application for development of at least one phase has not been accepted by the town manager within two (2) years of the date of approval of the master land use plan, the approval shall automatically expire. After that time the applicant may resubmit the original application. The town manager may re-approve that application unless he/she determines that paramount considerations of health, the general welfare, or public safety require the application to be reviewed in accordance with the procedures set forth in subsections (a) through (h), above. The town manager may re-approve the application ~~only once~~ for a period of twelve (12) months. If requested within the initial re-approval period, the town manager may re-approve the application for one additional period of up to twelve (12) months."

**Section 5.** This ordinance shall be effective upon enactment and shall apply to applications and requests made after enactment and to applications pending before the town at the time of enactment.

This the 27<sup>th</sup> day of October, 2021.