

## **ORDINANCE A**

(Enacting the Land Use Management Text Amendment proposal)

### **AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ELIMINATE THE MINIMUM AREA AND TIME LIMIT STANDARDS FOR DEVELOPMENT AGREEMENTS IN THE UNIVERSITY-1 (U-1) ZONING DISTRICT (2018-06-27/O-2)**

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) eliminate the minimum area and term limit standards for development agreements in the University-1 (U-1) zoning district and finds that the amendment, if enacted, is reasonable and in the public's interest, is warranted, and achieves the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Family-friendly, accessible exterior and interior places throughout the town for a variety of active uses (Place for Everyone.1);
- A welcoming and friendly community that provides all people with access to opportunities (Place for Everyone.4);
- A community of high civic engagement and participation (Place for Everyone.5);
- Balance and sustain finances by increasing revenues and decreasing expenses (Community Prosperity and Engagement.1);
- Promote a safe, vibrant, and connected (physical and person) community (Community Prosperity and Engagement.3);
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2);
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Getting Around.5);
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3);
- A community that welcomes and supports change and creativity (Good Places, New Spaces.6);
- Open and accessible common spaces for community gathering, cultural uses, and community development (Good Places, New Spaces.7);
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places, New Spaces.8);
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2);
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurturing Our Community.5);
- Reduce the carbon footprint of all Town-owned or managed services and properties; require that all new development meets standards; and support residents in minimizing their personal footprints (Nurturing Our Community.7);

- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Nurturing Our Community.8).

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill to amend Appendix A (Land Use Management Ordinance) of the Town Code of Ordinances as follows:

**Section 1.** Section 3.5.5, University-1 District, subsection (c) as follows.

- (c) *Minimum requirements.* ~~Only areas with a minimum of twenty-five (25) contiguous acres of developable property (as defined by G.S. 160A-400.23) under common ownership or management may be placed in a U-1 zoning district.~~

An application for rezoning to a U-1 district may only be initiated by the owner of the property to be rezoned or a duly authorized agent of the owner.

An application for rezoning to a U-1 district must, in addition to all other requirements of this ordinance, include:

1. A long-range plan for the development of the entire area proposed to be included in the district.
2. An ecological assessment of the entire area proposed to be included in the district.
3. A proposed development agreement for a discrete portion ~~(of not less than twenty-five (25) developable acres)~~ of the land to be placed in the district.

The town manager may specify forms and reasonable requirements related to these mandated materials to be submitted with a rezoning petition.

**Section 2.** Section 3.5.5, University-1 District, subsection (d) as follows.

- (d) *Long-range development plan.* When an application for a rezoning to this district is submitted, the developer shall submit a long-range development plan ~~that depicts all development anticipated for a period of not less than fifty (50) years~~ to provide an opportunity for the town council, town manager and citizens to see the developer's current plans at a conceptual level for long-term development of all property within the proposed zoning district. This long-range plan is necessary to provide a context for individual development agreements for development within the district. The long-range plan shall represent a good faith depiction of the developer's intentions relative to overall development of the site. It is not, however, submitted for town approval and shall not be deemed to create a binding commitment on behalf of the developer or the town.

The long-range development plan shall be submitted to the town manager prior to or concurrently with the submission of an application to rezone property into this district. An updated long-range development plan shall also be submitted with all applications for approval of a development agreement within the district or for approval of major amendments of a development agreement within the district.

**Section 3.** Section 3.5.5, University-1 District, subsection (k), subsection (2) as follows.

- C. *Initial development agreement.* Applications for approval of an initial development agreement within this zone shall be processed concurrently with the petition for rezoning to the U-1 district. The public hearing on the initial development agreement shall be noticed and held concurrently with the hearing on the proposed rezoning. Notice of the public hearing before the town council on the proposed development agreement shall follow the same notice requirements as are applicable for hearings on proposed zoning

atlas amendments. The public notice shall include the location of the property covered by the proposed development agreement, the development uses proposed on the property, and the place a copy of the proposed development agreement may be obtained or reviewed. The town council's public hearing on the proposed development agreement shall be open to the public and all interested persons shall be given the opportunity to present comments. The town council shall take action on an application for an initial development agreement within this zone concurrently with action on the application for rezoning to this district. The initial development agreement may be applicable to all or part of the land within the district, provided the initial development agreement must be applicable to no less than twenty-five (25) developable acres.

**Section 4.** Amend the Town Code of Ordinances, Appendix A (Land Use Management Ordinance), Section 3.5.5, University-1 District, subsection (1), subsection (3) as follows.

- (3) *Expiration, abandonment, revocation of development agreement.* ~~The term of the development agreement shall be set forth in the agreement and shall not exceed a term of twenty (20) years.~~ The term of any development agreement shall be set forth in the agreement. The development agreement shall also contain specific provisions relative to default or termination of the agreement.

**Section 5.** This ordinance shall be effective upon enactment.

This the 27<sup>th</sup> day of June, 2018.