

An Ordinance Adopting a Development Agreement

Ordinance #DA-2023-09-11

An Ordinance Adopting a Development Agreement Between the Town of Landis and
BYRNE PROPERTIES INC, a North Carolina Corporation & BDM BUILDERS LLC, a North
Carolina Limited Liability Company.

Be It Resolved Therefore that:

- A. The Town of Landis, in accordance with Article 10 of G.S. 160D finds that:
 - 1. Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
 - 2. Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
 - 3. Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, finance, and construction schedules and the phasing of the private development.
 - 4. Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that the development standards will remain stable through the extended period of the development.
 - 5. Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.
 - 6. To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
- B. The Town of Landis enters into this Agreement subject to the procedures and requirements of G.S. 160D-1001 – 160D-1012. In entering this agreement, the Town acknowledges it may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law.
- C. The Town of Landis acknowledges that the authority to adopt this Agreement is supplemental to the powers conferred upon local governments and does not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site-specific development plans, phased development plans, or other provisions of law.

Town of Landis, North Carolina

NOW THEREFORE BE IT ORDAINED that the Town Board of Aldermen of the Town of Landis does hereby adopt the attached Development Agreement between the Town of Landis and BYRNE PROPERTIES INC, a North Carolina Corporation & BDM BUILDERS LLC, a North Carolina Limited Liability Company (“Developer”) and authorizes the Mayor to execute on behalf of the Town.

This Development Agreement is approved and to become effective upon execution thereof as authorized by this Ordinance.

ADOPTED on this the 11th day of September 2023.

s/ _____

Meredith Bare Smith, Mayor

s/ _____

Madison Stegall, Town Clerk