

R-2122-76

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A TEMPORARY ADMINISTRATIVE DELAY FOR A PERIOD OF SIX (6) MONTHS ON THE ACCEPTANCE OF ALL APPLICATIONS FOR CERTIFICATES OF COMPLIANCE ("COC"), DEMOLITION PERMITS, OR CENTER CITY PLANNED UNIT DEVELOPMENTS ("CCPUD") IN THE CENTER CITY STUDY AREA OF NORMAN; DECLARING POSSIBLE EXCEPTIONS; DECLARING A PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPEALS PROCESS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, the Center City Study Area ("Center City"), more specifically delineated on the attached map, is a portion of the oldest developed area within the Norman community, and was rezoned to the Center City Form Based Code effective May 23, 2017, and made subject to the Center City Project Plan December 19, 2017; and
- § 2. WHEREAS, Center City connects the Downtown area to the Campus Corner area and borders two historic districts, as well as the University of Oklahoma; and
- § 3. WHEREAS, the unique nature of the Center City, as addressed in the Center City vision, makes it a prime location for promoting development using a form-based tool to include housing and mixed-uses that promote a walkable and "park once" environment; and
- § 4. WHEREAS, infrastructure, including roads, alleys, parking, sewer lines, water lines, and electric grids, are aging and may not be able to continue to support their users if the area continues to gain in density as Center City has been developed following the adoption of the Center City Form Based Code; and
- § 5. WHEREAS, development and redevelopment pressures threaten to erode Center City's character and vision as a destination with a desirable mix of land uses that complement and protect the adjacent neighborhoods; and
- § 6. WHEREAS, the future of an attractive, economically healthy Center City depends in no small part on the preservation of healthy neighborhoods within it as well as the development of appropriate mixed uses recognizing the intent behind the adoption of the Center City Form Based Code; and
- § 7. WHEREAS, the City Council is elected and is duty-bound to promote the community's health, safety, and moral and general welfare, which duty includes the preparation of plans, strategies, and ordinances designed to effectuate the coordinated development of the City, and that in accordance with existing and future needs, will best promote the general welfare, as well as conserve property values and encourage the most appropriate use of land throughout the City; and



- § 8. WHEREAS, generally, when it becomes apparent there is a need to amend existing plans or ordinances, or to adopt new plans, strategies, or ordinances to promote the health, safety, and general welfare, a “race of diligence” may ensue in property owners seeking to establish vested rights under existing law and the City Council seeking to enact or amend a plan or ordinance, or adopt new plans, strategies, or ordinances, before such vested rights are established; thereby creating additional safety and welfare problems; and
- § 9. WHEREAS, such a “race of diligence” is counterproductive to both individual property owners and the City as a whole, because landowners rush to submit applications that may not have received adequate consideration and to gain approval of such applications, and the City rushes to adopt a plan or ordinance amendments, strategies, or ordinances that may not have received thorough analysis or been subject to full public debate with respect to the issues, goals, and policies of the proposed development controls, and therefore may not be as responsive to either the City’s or the applicant’s goals and needs or received the degree of community input and debate as would otherwise be possible and appropriate; and
- § 10. WHEREAS, a temporary administrative delay of development applications within a defined geographic boundary of the City by resolution of the City Council, based upon the likelihood that proposed amendments to the Center City Form Based Code or planning policies may impact the nature of development applications, is an appropriate remedy to counteract the effects of a “race of diligence”; and
- § 11. WHEREAS, this Resolution is considered because the City Council has determined that some applications for COCs, demolition permits, or CCPUDs in Center City, may adversely affect the ability of Center City to remain and redevelop as a unique, vibrant place; and
- § 12. WHEREAS, a limited number of applications will seek permits for projects that may have little or no effect on the future of Center City, in order to cause the least disruption to property owners affected by this Resolution; and
- § 13. WHEREAS, the City Council recognizes that an administrative delay is an extraordinary remedy that should be used judiciously and only after serious evaluation and analysis by staff and City Council and based upon staff’s carefully considered recommendation; and,
- § 14. WHEREAS, to ensure that the City Council successfully, fairly, and rationally fulfills this duty, it is necessary to delay temporarily the acceptance of applications for COCs, demolition permits, and CCPUDs; and
- § 15. WHEREAS, the Council also recognizes that it has an equally important duty to fully consider applications for the issuance or approval of COCs, demolition permits, and CCPUDs whenever such applications are consistent with the City’s Code of Ordinances, including the Center City Form Based Code, and that it is necessary that delay be enacted for the shortest amount of time; and

- § 16. WHEREAS, the City Council has determined that it is appropriate and necessary to provide an expeditious appeal process to individuals or entities affected by this administrative delay in order to ensure proper due process; and
- § 17. WHEREAS, it is anticipated that certain public improvements will be recommended to be accomplished in furtherance of the future smart growth of Center City, and that funding sources to accomplish those public improvements will need to be identified.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 18. That for a period of six (6) months, the Council of the City of Norman hereby formally adopts a temporary policy of delaying the acceptance of applications for COCs, demolition permits, and CCPUDs in the area defined by Exhibit A. This Resolution may be rescinded if the City completes those tasks in less than six (6) months; and
- § 19. That the Planning and Community Development and Public Works Departments of the City of Norman are directed not to accept applications for COCs, demolition permits, and CCPUDs in the area defined by Exhibit A; and
- § 20. That it is the intent of this action to protect the character of Center City by protecting the area from development inconsistent with the Center City vision, by addressing concerns in the implementation of certain provisions of the Center City Form Based Code and its Project Plan, including more recent revisions to the Center City Form Based Code, and to realize the community's vision for a vital Center City that accommodates an attractive balance of commercial, residential, mixed-use and institutional land uses; and
- § 21. That applicants shall have the right to appeal the temporary Administrative Delay of Applications to the City Council of the City of Norman if the applicant believes that the decision not to accept COC, demolition permit, or CCPUD applications is unreasonable. Such appeal shall be filed with the Clerk of the Council within ten (10) business days after receiving written notification of a determination; and
- § 22. That, after receipt of the applicant's written statement of appeal, the Clerk of the Council shall schedule the appeal for hearing by the City Council on the next regular agenda, or as soon thereafter as practicable in the normal course of managing Council agendas. The applicant shall be notified of the time of the hearing at least seven (7) days prior to such hearing. Proper mailing to the address shown on the original application shall be adequate notification. The decision and order of the City Council on such appeal shall be final and conclusive; and
- § 23. That the applicant shall bear the burden of establishing by a preponderance of the evidence that processing the application for COCs, demolition permits, or CCPUDs will not undermine the current character of Center City, obviate the purpose of the Center City Form Based Code or Vision, directly implicate issues that are set to be addressed during this

temporary administrative delay, and will not place undue additional burden on the existing infrastructure; and

§ 24. That the City Council shall consider the following in determining whether appeals of denied applications for COCs, demolition permits, or CCPUDs should be granted:

- The City's interest in protecting the public's health, safety and general welfare;
- The City's interest is avoiding the creation of uses or structures that may not be in harmony with the intent and purpose behind the Center City Form Based Code and vision;
- The extent to which the proposed use, if applicable, will negatively impact the values of the property and the neighboring property;
- The economic impact and hardship of the delay upon the owner; and

§ 25. That the provisions of this resolution are temporary in nature and are intended to be removed in totality or replaced by subsequent legislative enactment. The temporary administrative delay of applications for COCs, demolition permits, and CCPUDs as specified in this resolution shall terminate six (6) months from the date of adoption.

§ 26. This temporary administrative delay is also expressly tied to the formation of the Center City Form Based Code Ad Hoc Committee ("CCFBC Ad Hoc Committee") and to that committee's participation in the review and potential recommendation to the City Council of alterations to the Center City Form Based Code directly addressing current concerns presently identified by City Staff, and as further set forth in a future resolution formally appointing said CCFBC Ad Hoc Committee.

§ 27. Severability. If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

PASSED AND ADOPTED this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk



City Attorney