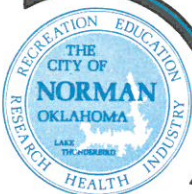


A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A TEMPORARY ADMINISTRATIVE DELAY FOR A PERIOD OF (6) SIX MONTHS ON THE ACCEPTANCE OF ALL APPLICATIONS FOR BUILDING, DEMOLITION, PAVING, PLATTING, AND REZONING ACTIVITIES IN THE CENTRAL NORMAN STUDY AREA; DECLARING POSSIBLE EXCEPTIONS; DECLARING A PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPEALS PROCESS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, the Central Norman Study Area, more specifically delineated on the attached map, is the oldest developed area within the Norman community; and
- §2. WHEREAS, the Central Norman Study Area includes the Downtown area, the Campus Corner area, two historic districts, as well as the University of Oklahoma; and
- § 3. WHEREAS, the unique nature of the Central Norman Study Area, and its proximity to the University, make it a prime location for student housing; and
- § 4. WHEREAS, infrastructure, including roads, alleys, 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; and
- § 5. WHEREAS, development and redevelopment pressures threaten to erode Central Norman's character 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 Central Norman depends in no small part on the preservation of healthy neighborhoods within it; 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" ensues between landowners 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, this “race of diligence” is counterproductive to both individual landowners 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 Zoning Ordinance 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 building, demolition, paving, platting, and rezoning activities in the Central Norman Study Area, and such applications may adversely affect the ability of the Central Norman Study Area to remain 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 the Central Norman Study Area and should therefore be reviewed administratively and approved, if appropriate, in order to cause the least disruption to property owners affected by this Resolution; and
- §13. WHEREAS, the City Council recognizes that 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 some permits in accordance with Exhibit B and applications for platting and rezoning; and
- §15. WHEREAS, the Council also recognizes that it has an equally important duty to fully consider applications and permits for the issuance of building, demolition, paving, platting, and rezoning whenever such applications are consistent with the *Norman 2025 Plan* and the City’s Code of Ordinances, 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 the Central Norman Study Area, 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 permits for building, demolition, paving in accordance with Exhibit B and delaying applications for platting and rezoning 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 building, demolition, or paving permits in accordance with Exhibit B or platting, and rezoning applications within the area defined by Exhibit A; and
- §20. That it is the intent of this action to protect the character of the Central Norman Study Area by protecting residential neighborhoods from haphazard intrusion and to realize the community's vision for a vital Central Norman that accommodates an attractive balance of commercial, residential, 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 building, demolition, paving, platting, or rezoning 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 building, demolition, paving, platting, or rezoning will not undermine the current character of Central Norman nor will it overburden the existing infrastructure; and
- §24. That the City Council shall consider the following in determining whether appeals of denied applications for building, demolition, paving, platting, or rezoning 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 existing character of Central Norman;
 - 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 and permits for building, demolition, paving, platting, and rezoning as specified in this resolution shall terminate six (6) months from the date of adoption.

§26. 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 _____, 2017.

Mayor

ATTEST:

City Clerk

City Attorney